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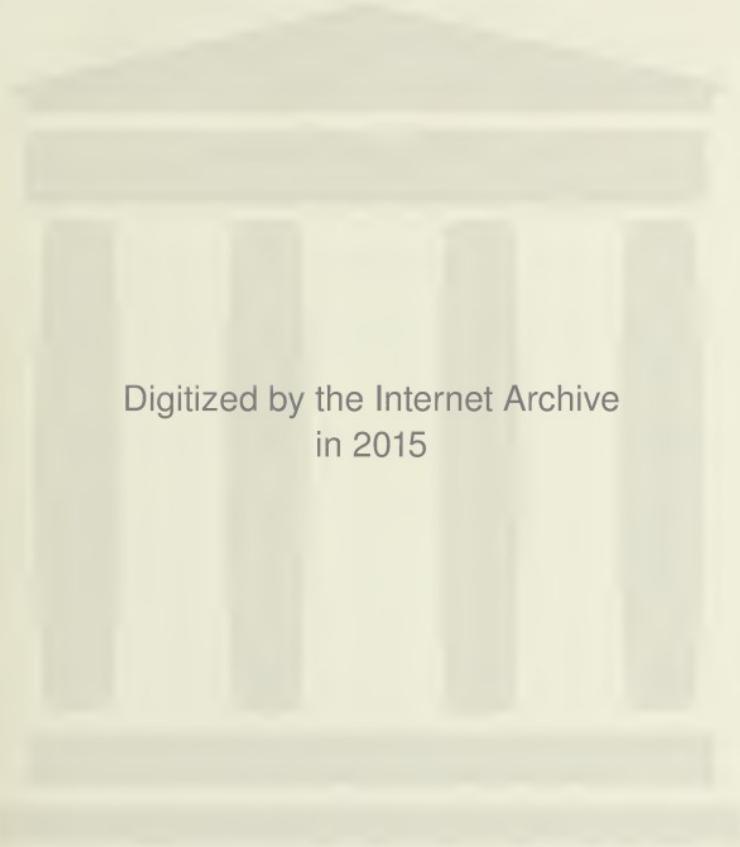


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Department of Telecommunications and Information Services  
City and County of San Francisco

# NOTICE

REGULAR MEETING OF THE  
TELECOMMUNICATIONS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

Monday, January 24, 2000, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 400

## AGENDA

There are two action items on this agenda.  
All other items on this agenda are for discussion purposes only.

1) CALL TO ORDER AND ROLL CALL

DOCUMENTS DEPT.

E. David Ellington, President  
Ernest Jackson, Vice President  
Commissioner Bonnie Engel  
Commissioner John Lira  
Commissioner Jan Masaoka

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2) APPROVAL OF THE MINUTES

ACTION ITEM

(Commissioners will vote to adopt the minutes. Document associated with this item is the minutes from the December 20, 1999 meeting.)

- Adoption of the Minutes of December 20, 1999 regular meeting
  - a) Commissioners' Comments
  - b) Public Testimony
  - c) Commissioners' Vote

**3) COMMUNICATIONS****FOR DISCUSSION ONLY**

(Documents associated with this item are listed at the end of this agenda.)

- See attached description of correspondence

- a) Commissioners' Comments

- b) Public Testimony

**4) DIRECTOR'S DTIS REPORT****FOR DISCUSSION ONLY**

(There are no documents associated with this item.)

- **Monthly Report on Department's Accomplishments**

- Successful Y2K rollover
- 911 Project
- RCN Update
- JUSTIS - Court Management System replacement
- Budget preparation
- DTIS reorganization

- a) Commissioners' Comments

- b) Public Testimony

**5) OLD BUSINESS****a) Proposed Open Access Resolutions****ACTION ITEM**

Please note that the Department has written an Open Access Report and put forth a recommendation regarding this subject. The Commission will vote to adopt one of the following options. One option supports both recommendations of the Department as stated in the Open Access Report, while the other two offer alternatives.

**Option 1: Resolution 00-019**

SUPPORTING THE RECOMMENDATION OF THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (DTIS) REGARDING NON-DISCRIMINATORY ACCESS TO CONTENT ON THE INTERNET AS SET FORTH IN THE OPEN ACCESS REPORT AND THIS RESOLUTION; AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT POLICIES REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY BE REQUIRED TO PROVIDE NON-DISCRIMINATORY ACCESS TO CONTENT AND THAT THE CITY CONTINUE TO MONITOR THE MARKET FOR BROADBAND TRANSPORT SERVICES BY REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY SUBMIT DATA ANNUALLY IN JUNE OF EACH YEAR IN ORDER FOR THE CITY TO DETERMINE WHETHER ADDITIONAL ACTION IS NEEDED TO IMPLEMENT THE OPEN ACCESS GOALS OF THE BOARD OF SUPERVISORS' RESOLUTION NO. 718-99.

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**Option 2: Resolution 00-020**

SUPPORTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (DTIS) REGARDING NON-DISCRIMINATORY ACCESS TO CONTENT ON THE INTERNET AND OPEN, NON-DISCRIMINATORY ACCESS TO BROADBAND TRANSPORT AS SET FORTH IN THE OPEN ACCESS REPORT AND THIS RESOLUTION; AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT POLICIES REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY BE REQUIRED TO PROVIDE NON-DISCRIMINATORY ACCESS TO CONTENT AND TO IMPLEMENT OPEN, NON-DISCRIMINATORY ACCESS TO BROADBAND TRANSPORT BY JANUARY 1, 2003, WITH AN OPPORTUNITY FOR THE BOARD OF SUPERVISORS TO ELIMINATE THE REQUIREMENT IF MARKET CONDITIONS NO LONGER JUSTIFY SUCH ACTION.

**Option 3: Resolution 00-021**

SUPPORTING THE RECOMMENDATION OF THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (DTIS) REGARDING NON-DISCRIMINATORY ACCESS TO CONTENT ON THE INTERNET AS SET FORTH IN THE OPEN ACCESS REPORT AND THIS RESOLUTION AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT POLICIES REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY BE REQUIRED TO PROVIDE NON-DISCRIMINATORY ACCESS TO CONTENT AND THAT THE BOARD OF SUPERVISORS ADOPT A REQUIREMENT THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY IMPLEMENT OPEN, NON-DISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES IMMEDIATELY.

Please note that the following comment period will be for all three resolutions. Voting on each resolution will be held after comments have been heard.

(1) Commissioners' Comments

(2) Public Testimony

(3) Commissioners' Voting

b) Unilateral Amendments  
to the AT&T Cable Television Franchise  
(There is a handout associated with this item.)

**FOR DISCUSSION ONLY**

(1) Update

(a) Commissioners' Comments

(b) Public Testimony

**(2) Public Hearing**

- (a) Commissioners' Comments
- (b) Public Testimony

**c) Telecommunications Plan Update**

(There are no documents associated with this item.)

**FOR DISCUSSION ONLY**

- (1) Commissioners' Comments

- (2) Public Testimony

**6) CALENDAR MATTERS**

(There are no handouts associated with this item. )

**FOR DISCUSSION ONLY**

- Commission and DTIS Workshop Date and Location

- a) Commissioners' Comments
- b) Public Testimony

**7) GENERAL PUBLIC COMMENT**

**8) ADJOURNMENT**

## **COMMUNICATIONS PAGE**

### **COMMUNICATIONS RECEIVED FROM PUBLIC DECEMBER 11, 1999 – JANUARY 20, 2000**

1. Memo from Susan Ritchie, AT&T, dated December 16, 1999, regarding AT&T supporting multiple ISPs on its high-speed cable networks. An article from CNET News.com, dated December 6, 1999, entitled "AT&T to open up high-speed network" accompanied this memo.
2. Memo from Susan Ritchie, AT&T, dated December 21, 1999, regarding AOL blocking AT&T instant messages. An article from CNET News.com, dated December 8, 1999, entitled "AOL blocks AT&T WorldNet instant messages" accompanied this memo.
3. Letter from Evette Reiss Davis, Barnes Clarke & Associates, dated January 7, 2000, regarding submissions of a response to the DTIS Open Access Report Outline and response to AT&T's comments on the DTIS Open Access Report Outline. The letter was accompanied by both responses.
4. Letter from Richard Patch, Coblenz, Patch, Duffy & Bass, LLP, dated January 14, 2000, with preliminary comments for AT&T in response to the unilateral amendments to the existing AT&T cable franchise agreement.
5. Letter from Jeffrey Sinsheimer, California Cable Television Association, dated January 20, 2000, regarding the DTIS Open Access Report. A copy of a memo accompanied the letter from the Information Technology Agency to Los Angeles City Councilmember Ridley-Thomas.
6. Email from Gilbert Criswell, dated January 20, 2000, which included an expanded description of his public comments from the December 20, 1999 Commission meeting, and a copy of a letter to the editor of the San Francisco Spectrum Newspaper, dated December 23, 1999, regarding Supervisor Katz's proposed Technology Commission.

### **COMMUNICATIONS RECEIVED FROM DTIS**

1. Draft minutes for the December 27, 1999 Commission meeting.
2. Press release, dated January 10, 2000, regarding the public hearing at the January 24, 2000 Commission meeting.
3. Open Access Report (Executive Summary and full report), dated January 14, 2000.
4. Letter, dated January 14, 2000, regarding Citywatch coverage of City Commissions' meetings in City Hall.
5. Agenda for the January 24, 2000 Commission meeting.

6. Full text of the three resolutions to be voted on at the January 24, 2000 Commission meeting.
7. Monthly Policy, Planning and Compliance (PP&C) division projects update.
8. 1<sup>st</sup> Rough Draft of Chapter 3 of the Telecom Plan.

Please Note:

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to Telecommunications\_Commission@ci.sf.ca.us.
- Correspondence should be received no later than 5:00 p.m. ten (10) days (normally a Friday) prior to the scheduled Telecommunications Commission meeting in order to be listed on the Communications section of the upcoming agenda. All correspondence received after this date will be listed on future agendas.
- Supporting documents for these agenda items are available for public review on the Commission's web site (see address above), the San Francisco Main Public Library, 5<sup>th</sup> Floor, Government Documents Section or by contacting Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying applicable Commission documents at DTIS, payable at the time of service. Copies of correspondence are available for public review at the DTIS address listed above.

**Commission Information:**

- The Telecommunications Commission meets at 5:30 pm, City Hall, Room 400, on the fourth Monday of every month, unless otherwise noted. This schedule is subject to change.
- For information related to Telecommunications Commission matters, please phone 415/554-4443 or email [Telecommunications Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us)
- The Telecommunications Commission web site address is [www.ci.sf.ca.us/Telecommunications\\_Commission](http://www.ci.sf.ca.us/Telecommunications_Commission).

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Please make your request for reasonable accommodations at least 72 hours in advance of any public meeting or hearing.

# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO MINUTES

MONDAY, JANUARY 24, 2000  
CITY HALL  
ROOM 400  
REGULAR MEETING  
5:30 P.M.

## COMMISSIONERS

E. David Ellington, President  
Ernest Jackson, Vice President  
Bonnie Engel  
John Lira  
Jan Masaoka

Liza Lowery, Director  
DEPARTMENT OF TELECOMMUNICATIONS  
AND INFORMATION SERVICES (DTIS)

\* Subject to the approval of the Telecommunications Commission.

## Order of Business

### 1. Call to Order and Roll Call

The meeting was called to order by President E. David Ellington at 5:46 P.M.

President Ellington stated that item "5a) Proposed Open Access Resolutions" would be heard out of order on the agenda.

President Ellington called roll for the Commission.

Present: E. David Ellington, President  
Ernest Jackson, Vice President  
Bonnie Engel, Commissioner  
John Lira, Commissioner

Excused

Absence: Jan Masaoka, Commissioner

### 2. Approval of the Minutes of December 20, 1999 Regular Meeting

Action Taken:

Commissioner Lira made a motion, seconded by Commissioner Masaoka, to adopt the minutes of December 20, 1999. The Commission moved to adopt the minutes with four ayes [Ellington, Jackson, Engel, Lira], none opposed.

- Comment: None.



- Public Testimony: None.

### **3. Communications**

President Ellington briefly reviewed the list of communications sent to the Commission.

- Comment: None.
- Public Testimony: None.

[At the request of President Ellington, the Commission heard the following item out of order.]

### **5. Old Business**

#### a. Proposed Open Access Resolutions

[Due to a potential conflict of interest on the Open Access issue, President Ellington recused himself from this agenda item, and turned the Chair of the meeting over to Vice President Jackson for this portion of the agenda.]

Director Liza Lowery gave a PowerPoint presentation on the Open Access issue. Ms. Lowery's presentation covered the following: definitions of the Open Access issue; general and policy consideration; the findings of DTIS regarding the current residential/small business market and the growing consensus of making Open Access possible; policy options for content and transport; and the recommendations of DTIS regarding Open Access.

Deputy Director Denise Brady read the titles of the three proposed resolutions into the record:

#### **Option 1: Resolution 00-019**

SUPPORTING THE RECOMMENDATION OF THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (DTIS) REGARDING NON-DISCRIMINATORY ACCESS TO CONTENT ON THE INTERNET AS SET FORTH IN THE OPEN ACCESS REPORT AND THIS RESOLUTION; AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT POLICIES REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY BE REQUIRED TO PROVIDE NON-DISCRIMINATORY ACCESS TO CONTENT AND THAT THE CITY CONTINUE TO MONITOR THE MARKET FOR BROADBAND TRANSPORT SERVICES BY REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY SUBMIT DATA ANNUALLY IN JUNE OF EACH YEAR IN ORDER FOR THE CITY TO DETERMINE WHETHER ADDITIONAL ACTION IS NEEDED TO IMPLEMENT THE OPEN ACCESS GOALS OF THE BOARD OF SUPERVISORS' RESOLUTION NO. 718-99.

#### **Option 2: Resolution 00-020**

SUPPORTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (DTIS) REGARDING NON-DISCRIMINATORY ACCESS TO CONTENT ON THE INTERNET AND OPEN, NON-DISCRIMINATORY ACCESS TO BROADBAND TRANSPORT AS SET FORTH IN THE OPEN ACCESS REPORT AND THIS RESOLUTION; AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT POLICIES REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY BE REQUIRED TO PROVIDE NON-DISCRIMINATORY ACCESS TO CONTENT AND TO IMPLEMENT OPEN, NON-DISCRIMINATORY ACCESS TO BROADBAND TRANSPORT BY JANUARY 1, 2003, WITH AN OPPORTUNITY FOR THE BOARD OF SUPERVISORS TO ELIMINATE THE REQUIREMENT IF MARKET CONDITIONS NO LONGER JUSTIFY SUCH ACTION.

#### **Option 3: Resolution 00-021**

SUPPORTING THE RECOMMENDATION OF THE DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES (DTIS) REGARDING NON-DISCRIMINATORY ACCESS TO CONTENT ON THE INTERNET AS SET FORTH IN THE OPEN ACCESS REPORT AND THIS RESOLUTION AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT POLICIES REQUIRING THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY BE REQUIRED TO



PROVIDE NON-DISCRIMINATORY ACCESS TO CONTENT AND THAT THE BOARD OF SUPERVISORS ADOPT A REQUIREMENT THAT BROADBAND TRANSPORT PROVIDERS SUBJECT TO THE CITY'S AUTHORITY IMPLEMENT OPEN, NON-DISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES IMMEDIATELY.

Ms. Brady introduced an amendment to the whole, as requested by DTIS, for Resolution

00-020. The amendment would read as follows: "...recommending that the Board of Supervisors **1) adopt policies requiring that broadband transport providers subject to the City's authority be required to provide non-discriminatory access to content and 2) adopt a requirement now that broadband transport providers subject to the City's authority must to implement open, non-discriminatory access to broadband transport by January 1, 2003...**".

Commissioner Lira introduced an amendment to the amendment to the whole on proposed resolution 00-020, to change the word "by" to "on." The resolution would read "...**on** January 1, 2003."

For clarification, Ms. Brady re-read Resolution 00-020 with the proposed amendments.

- o Commissioners' Comments:

Commissioner Engel commended the DTIS staff on the Open Access report and thanked all of the people who have contributed to the Commissioners' consideration of this issue.

At the request of Commissioner Engel, Ms. Lowery clarified the non-discriminatory access and non-regulation issues regarding Open Access.

Commissioner Lira thanked everyone for the great work on the Open Access report.

In response to Commissioner Lira's comments, Ms. Lowery clarified that the report addresses all cable providers, and that the recommendation for Option #2 was not to hinder deployment of the network, but give all of the providers of cable modem service a target date to work towards.

- o Public Testimony:

Steve Zeltzer, Chair of the Producers and Programmers Network in San Francisco and Producer of the Labor Video Project, spoke in support of Open Access and the rights of laborers in San Francisco.

Ronald McClain, representing the Open Access Alliance and small Internet access providers, advocated having immediate Open Access.

James Brady, small business owner in San Francisco, submitted written comments to the Commission and spoke in favor of having immediate Open Access.

Comer Marshall, Executive Director, Urban Economic Development Corporation, spoke in favor of Open Access and asked the Commission to vote in favor of Resolution 00-021.

Audrey Krause, Executive Director, Net Action, urged the Commission to adopt Resolution 00-019.

Marlon Mendieta, representing the Technology Center at Arriba Juntos, spoke about the digital divide and stated that technology should be as accessible as possible.

Mark Phigler, Americans for Competitive Telecommunications, a consumer advocacy group, asked the Commission to vote in favor of Resolution 00-019.

Niels Erich, San Francisco resident and cable customer, suggested some changes to, and spoke in favor of, Resolution 00-020.



Linda Crayton, AT&T, stated that the City should not be involved in rate regulation and stated that Resolution 00-019 provided the City with ultimate flexibility.

John England, Director of Government Affairs, Excite@Home, supported Resolution 00-019.

Cliff Staton, Executive Director, Open Access Alliance of the Bay Area, stated that Open Access should be mandated for the second quarter of this year.

Zoon Nguyen, Director of External Affairs, Pacific Bell, asked the Commission to vote for Resolution 00-021.

[After the public testimony, the Commissioners had the following comments and votes:]

Commissioner Jackson requested that Ms. Lowery re-read Resolution 00-020.

Commissioner Engel stated that Resolution 00-021 seemed the least realistic.

Commissioner Lira stated that he was most inclined to support Resolution 00-020.

Commissioner Jackson reviewed his decision making process to vote for Resolution 00-020.

Commissioner Engel moved to adopt the amendment and the amendment to the whole on Resolution 00-020, seconded by Commissioner Lira, and adopted by three ayes [Jackson, Engel, Lira], none opposed.

Action Taken:

Commissioner Engel moved to adopt Resolution 00-020, seconded by Commissioner Lira, and adopted by three ayes [Jackson, Engel, Lira], none opposed.

[Vice President Jackson turned over the Chair back to President Ellington.]

#### **4. Director's Report**

Ms. Lowery gave an update on DTIS:

- The Y2K rollover was successful.
  - The 911 project efforts are continuing, and the Fire Department's operational readiness testing will begin tomorrow. DTIS is working towards assuming operation and maintenance services for the entire 911 system.
  - The Policy, Planning and Compliance division of DTIS continues to negotiate with RCN on a Cable Television Franchise Agreement.
  - DTIS is involved with replacing the court management system with the new system, JUSTIS (Judicial Information Tracking System.)
  - DTIS is in the middle of its budget preparation.
  - Ms. Lowery is in the process of a reorganization of DTIS, which will be moving from six divisions to four. She stated that the Network Engineering Division is currently reporting to Deputy Director Rod Loucks of the Applications Development Division.
- Commissioners' Comments:

In response to Commissioner Lira's and Engel's questions, Ms. Lowery briefly reviewed the responsibilities of the current Deputy Directors and the reorganization of DTIS.

- Public Testimony: None.

#### **5. Old Business**



a. Unilateral Amendments to the AT&T Cable Television Franchise  
1. Update

Ms. Lowery gave an update on the unilateral amendments to the AT&T Cable Television Franchise. She stated that the City and AT&T signed a letter of agreement on January 13, 2000 that the Telecommunications Commission has until April 1, 2000 to recommend unilateral amendments to the AT&T Cable Television to the Board of Supervisors (BOS.) Ms. Lowery stated that DTIS does not have any proposed unilateral amendments at this time, and that the purpose of tonight's hearing is to gather public input. She reminded the public that there was a document outlining what can be considered as a unilateral amendment available at tonight's meeting. This document has also been available for several months at past Commission meetings. Ms. Lowery stated that DTIS would bring specific recommendations before the Commission for comment at the February and/or March meetings.

o Commissioners' Comments:

Commissioner Engel stated that she would like to participate in the process.

o Public Testimony: None.

o Public Hearing

o Commissioners' Comments: None.

o Public Testimony: None.

a. Telecommunications Plan Update

Eve Eichwald, Telecommunications Plans Manager, DTIS, gave a PowerPoint presentation update on the Telecom Plan. Ms. Eichwald's presentation covered the following areas: small business focus groups; the Internal Needs Assessment; the large business interviews; the public participation phase; and the drafting of the plan.

Ms. Lowery thanked Ms. Eichwald for her efforts over the past two months. Ms. Lowery

reviewed the project timeline and stated the various reasons that the draft of the Telecom Plan will now be given to the Commissioners towards the end of July.

o Commissioners' Comments:

Commissioner Jackson stated that he was really looking forward to reviewing the report.

Commissioner Engel asked that the individual Commissioners be as involved as they would like to be. Ms. stated that their participation would be welcomed, and that President Ellington and Commissioner Masaoka have already been participating in parts of the process.

Ms. Lowery thanked the Commissioners for their input today and for their understanding in being given a more realistic, albeit later, date for the Telecom Plan draft.

o Public Testimony: None.

Sybil Boutilier commended DTIS for its hard work and stated that she hoped the education community would be involved in the survey in a significant way.

In response to her comments, Ms. Lowery stated that the Internal Needs Assessment would include that community.

**6. Calendar Matters**



- Commission and DTIS Workshop Date and Location

Ms. Lowery briefly reviewed the date (February 10, 2000, 9 am - 1 pm) and location (DTIS, 875 Stevenson, 5<sup>th</sup> Floor) of the workshop. Ms. Lowery stated that although this is a public meeting, there would be no Commission business conducted at the workshop.

Commissioner Engel requested that at the February or March Commission meeting that the Commission would hear from the PEG groups.

- Comment: None.
- Public Testimony: None.

**7. Public Comment:** None.

**8. Adjournment**

President E. David Ellington adjourned the meeting at approximately 7:27 p.m.

Respectfully submitted,

---

Kim B. Weisman, Commission Secretary

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CF  
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Special  
Workshop

Department of Telecommunications and Information Services (DTIS)  
City and County of San Francisco

# NOTICE

SPECIAL WORKSHOP FOR THE  
TELECOMMUNICATIONS COMMISSION AND DTIS  
CITY AND COUNTY OF SAN FRANCISCO

Thursday, February 10, 2000  
9:00 AM - 1:00 PM

Department of Information Services, Technology Learning Center  
875 Stevenson, 5<sup>th</sup> Floor

## AGENDA\*

There are no action items on this agenda.  
All items on this agenda are for discussion purposes only.

1) CALL TO ORDER AND ROLL CALL

E. David Ellington, President  
Ernest Jackson, Vice President  
Commissioner Bonnie Engel  
Commissioner John Lira  
Commissioner Jan Masaoka

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2) INTRODUCTIONS OF PARTICIPANTS

- Public Testimony\*\*

3) STRATEGY FOR 2000

- Ground Rules for Workshop
- Workplan 2000
- Setting of Priorities
- Commission and DTIS Roles and Expectations
- Improving Communication Between DTIS and the Commission
- Wrapup and Next Steps

- Public Testimony\*\*

4) GENERAL PUBLIC COMMENT\*\*

5) ADJOURNMENT

\* Refreshments and lunch are for the workshop participants only, and will not be made available to the general public.

\*\* Please note that public testimony and comment will be limited to a maximum of 2 minutes per speaker.

**Communications:**

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
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- Current communications made to the Commission will be listed on the March 27, 2000 agenda for the regular monthly meeting of the Commission.

**Additional Commission Information:**

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American Sign Language interpreters, sound enhancement devices, information in alternative format and/or Stenocaptioning will be available upon request.

Please make your request for reasonable accommodations at least 72 hours in advance of any public meeting or hearing.



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*3/20/00*  
*Special*

Department of Telecommunications and Information Services  
City and County of San Francisco

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**NOTICE**  
SPECIAL MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**

Monday, March 20, 2000, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 263

**AGENDA**

There are three action items on this agenda.  
All other items on this agenda are for discussion purposes only.

Please note that at this special meeting, the Commission will be discussing  
agenda items that are normally covered at regular Commission meetings  
(e.g. approval of minutes, Director's Report, etc.).

**1) CALL TO ORDER AND ROLL CALL**

DOCUMENTS DEPT.

E. David Ellington, President  
Ernest Jackson, Vice President  
Commissioner Bonnie Engel  
Commissioner John Lira  
Commissioner Jan Masaoka

MAR 20 2000

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**2) APPROVAL OF THE MINUTES**

ACTION ITEM

(Commissioners will vote to adopt the minutes. Document associated with this item is the Minutes from the January 24, 2000 meeting.)

- Adoption of the Minutes of the January 24, 2000 regular meeting
  - Commissioners' Comments
  - Public Testimony
  - Commissioners' Vote



**3) COMMUNICATIONS****FOR DISCUSSION ONLY**

(Documents associated with this item are listed at the end of this agenda.)

- Commissioners' Comments
- Public Testimony

**4) DIRECTOR'S DTIS REPORT****FOR DISCUSSION ONLY**

(There are no documents associated with this item.)

- **Monthly Report on Department's Accomplishments**

- Telecom Plan Update
  - RCN Cable Television Franchise Application Update
  - E911 Project
  - JUSTIS Project
  - PP&C Staff Update
- Commissioners' Comments
  - Public Testimony

**5) OLD BUSINESS**

- **Unilateral Amendments to the AT&T Cable Television Franchise**  
(Documents associated with this item are a handout describing unilateral amendments and a handout of the proposed resolution.)

- a) **Brief Report by DTIS**

- Commissioners' Comments
- Public Testimony

- b) **CLOSED SESSION**

**ACTION ITEM****Conference with City Attorney – Anticipated Litigation****[Convene in Closed Session]**

Motion that the Telecommunications Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from the City Attorney as permitted by Government Code Section 54956.9 regarding the following litigation:



**[Anticipated Litigation]**

Anticipated litigation as defendant regarding open access as a unilateral amendment to the AT&T cable television franchise, as permitted by Government Code Section 54956.9(c).

Question: Shall this Motion be Adopted?

After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Secretary of the Commission to report the vote taken on any motion in the closed session.

After a closed session, if one occurs, the Commission shall adopt a motion either to disclose or not to disclose.

**[Elect Not to Disclose]**

Motion that the Commission finds that it is in the best interest of the public that the Commission elect at this time not to disclose its closed session deliberations concerning the above matter.

**[Elect To Disclose]**

Motion that the Commission finds it is in the public interest to disclose information discussed in closed sessions, and directs the President immediately to disclose that information.

- Commissioners' Comments
- Public Testimony

c) **Unilateral Amendments Resolution**

**ACTION ITEM**

RECOMMENDING THAT THE BOARD OF SUPERVISORS: 1) ADOPT A UNILATERAL AMENDMENT TO THE CABLE TELEVISION FRANCHISE GRANTED TO TELEVISION SIGNAL CORPORATION ("TSC") REQUIRING THAT TSC AND ITS CORPORATE PARENTS (INCLUDING AT&T) WHO SERVE SAN FRANCISCO CONSUMERS PROVIDE NONDISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES BY A DATE CERTAIN SET BY THE BOARD, WITH AN OPPORTUNITY FOR THE BOARD TO WAIVE THIS REQUIREMENT IF MARKET CONDITIONS NO LONGER JUSTIFY SUCH REQUIREMENT; AND 2) ADOPT A UNILATERAL FRANCHISE AMENDMENT THAT PROHIBITS TSC, ITS CORPORATE PARENTS (INCLUDING AT&T), THEIR AFFILIATED INTERNET SERVICE PROVIDERS ("ISPs"), AND ANY ISPS WHO OBTAIN NONDISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES UNDER THE CITY'S REQUIREMENTS FROM INTENTIONALLY DISCRIMINATING IN DATA TRANSMISSION SPEED BASED ON AFFILIATION WITH TSC, AT&T, THEIR AFFILIATED ISPS, AND ANY ISPs WHO OBTAIN NONDISCRIMINATORY ACCESS

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TO BROADBAND TRANSPORT SERVICES UNDER THE CITY'S REQUIREMENTS; AND 3) ENCOURAGE TSC, ITS CORPORATE PARENTS, THEIR AFFILIATED ISPs, AND ANY ISPS WHO OBTAIN NONDISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES UNDER THE CITY'S REQUIREMENTS TO ENSURE THAT THEIR WEB SITES ARE ACCESSIBLE TO SAN FRANCISCO CONSUMERS WITH DISABILITIES.

- Commissioners' Comments
- Public Testimony
- Commissioners' Vote

**6) NEW BUSINESS**

- |   |                            |
|---|----------------------------|
| <ul style="list-style-type: none"><li>- Presentation by Pacific Bell</li><li>- Project Pronto<ul style="list-style-type: none"><li>(a) Commissioners' Comments</li><li>(b) Public Testimony</li></ul></li></ul> | <b>FOR DISCUSSION ONLY</b> |
|---|----------------------------|

**7) CALENDAR MATTERS**

(There are no handouts associated with this item.)

**FOR DISCUSSION ONLY**

- a) Rescheduling of the February 10, 2000 workshop
  - (1) Commissioners' Comments
  - (2) Public Testimony
- b) Possible cancellation of the regular March 27, 2000 Commission meeting
  - (1) Commissioners' Comments
  - (2) Public Testimony

**8) GENERAL PUBLIC TESTIMONY**

**9) ADJOURNMENT**



## **COMMUNICATIONS PAGE**

### **COMMUNICATIONS RECEIVED FROM PUBLIC JANUARY 21 – MARCH 10, 2000**

#### **COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS**

1. Agenda for the March 20, 2000 special Commission meeting.
2. Copy of proposed Resolution 00-022.

#### **ADDITIONAL COMMUNICATIONS RECEIVED FROM DTIS**

1. Draft minutes for the January 24, 2000 Commission meeting.
2. Copy of adopted Resolution 00-020.
3. Agenda for the Committee on Information Technology's (COIT) original January 27, 2000 meeting and amended agenda for the January 28, 2000 meeting.
4. Monthly Policy, Planning and Compliance (PP&C) division projects update.

#### **COMMUNICATIONS RECEIVED FROM THE PUBLIC**

1. Comments from Richard Patch, Coblenz, Patch, Duffy & Bass, LLP, dated January 21, 2000, regarding the DTIS Open Access Report.
2. Letter from James Brady, Telecon L.T.D., Inc., dated January 24, 2000, regarding the Open Access issue.
3. Comments from Evette Davis, Barnes Clarke, on behalf of GTE, dated February 1, 2000, regarding the Open Access issue.
4. Quarterly customer complaint report from AT&T, dated February 1, 2000, of referred calls from the City for the period of October 1, 1999 to December 30, 1999.
5. Newsletter from the Council of Asian American Business Associations of Northern California (CAABA News), dated February 2000.
6. Memo from Susan Ritchie, AT&T, dated February 15, 2000, regarding AOL and the Open Access issue. Included article entitled "AOL Ends its Push for Open Access," dated February 12, 2000, *The Washington Post*.
7. Letter from Sue Levitin, AT&T, dated February 23, 2000, announcing the completion of the first phase of AT&T's building of its all-in-one digital network and the expanded channel line-up.
8. Letter from Sue Levitin, AT&T, dated March 7, 2000, regarding the status of cable television service to Treasure Island and Yerba Buena Island.



) Please Note:

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
- Correspondence should be received no later than 5:00 p.m. ten (10) days (normally a Friday) prior to the scheduled Telecommunications Commission meeting in order to be listed on the Communications section of the upcoming agenda. All correspondence s received after this date will be listed on future agendas.
- Communications to the Commission may be viewed upon request to Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying communications documents at DTIS, payable at the time of service.
- Agenda packets items, as noted on the Communications page, are available for public review on the Commission's web site (see address above), the San Francisco Main Public Library, 5<sup>th</sup> Floor, Government Documents Section or by contacting Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying applicable Commission documents at DTIS, payable at the time of service.

Commission Information:

- The Telecommunications Commission meets at 5:30 pm, City Hall, Room 400, on the fourth Monday of every month, unless otherwise noted. This schedule is subject to change.
- For information related to Telecommunications Commission matters, please phone 415/554-4443 or email [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us)
- The Telecommunications Commission web site address is [www.ci.sf.ca.us/Telecommunications\\_Commission](http://www.ci.sf.ca.us/Telecommunications_Commission).

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## SUNSHINE ORDINANCE

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code).

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the peoples' review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

For more information on your rights under the Sunshine Ordinance, to obtain a copy of the Ordinance or to report a violation of the Ordinance, contact Rachel Arnstine O'Hara, Clerk at The Sunshine Ordinance Task Force City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, (email) [Rachel\\_ArnstineO'Hara@ci.sf.ca.us](mailto:Rachel_ArnstineO'Hara@ci.sf.ca.us), (phone) 415/554-6083.

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin Code 16.520 – 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 701, San Francisco, CA 94102, telephone 415/554-9510, fax 415/703-0121 or web site at [www.ci.sf.ca.us/ethics/](http://www.ci.sf.ca.us/ethics/)

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DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES

City & County of San Francisco

RESOLUTION NO. 00-022

1 RECOMMENDING THAT THE BOARD OF SUPERVISORS: 1) ADOPT A UNILATERAL  
2 AMENDMENT TO THE CABLE TELEVISION FRANCHISE GRANTED TO TELEVISION  
3 SIGNAL CORPORATION ("TSC") REQUIRING THAT TSC AND ITS CORPORATE  
4 PARENTS (INCLUDING AT&T) WHO SERVE SAN FRANCISCO CONSUMERS PROVIDE  
5 NONDISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES BY A DATE  
6 CERTAIN SET BY THE BOARD, WITH AN OPPORTUNITY FOR THE BOARD TO WAIVE  
7 THIS REQUIREMENT IF MARKET CONDITIONS NO LONGER JUSTIFY SUCH  
8 REQUIREMENT; AND 2) ADOPT A UNILATERAL FRANCHISE AMENDMENT THAT  
9 PROHIBITS TSC, ITS CORPORATE PARENTS (INCLUDING AT&T), THEIR AFFILIATED  
10 INTERNET SERVICE PROVIDERS ("ISPS"), AND ANY ISPS WHO OBTAIN  
11 NONDISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES UNDER THE  
12 CITY'S REQUIREMENTS FROM INTENTIONALLY DISCRIMINATING IN DATA  
13 TRANSMISSION SPEED BASED ON AFFILIATION WITH TSC, AT&T, THEIR AFFILIATED  
14 ISPS, AND ANY ISPS WHO OBTAIN NONDISCRIMINATORY ACCESS TO BROADBAND  
15 TRANSPORT SERVICES UNDER THE CITY'S REQUIREMENTS; AND 3) ENCOURAGE  
16 TSC, ITS CORPORATE PARENTS, THEIR AFFILIATED ISPS, AND ANY ISPS WHO  
17 OBTAIN NONDISCRIMINATORY ACCESS TO BROADBAND TRANSPORT SERVICES  
18 UNDER THE CITY'S REQUIREMENTS TO ENSURE THAT THEIR WEB SITES ARE  
19 ACCESSIBLE TO SAN FRANCISCO CONSUMERS WITH DISABILITIES.

20 WHEREAS, Section 29 of AT&T's San Francisco Cable Television Franchise granted  
21 to TSC ("Franchise") authorizes the Board of Supervisors to adopt unilateral amendments to  
22 the Franchise based on recommendations from the Telecommunications Commission  
23 ("Commission") that may be made at three year intervals beginning with December 1, 1999;  
24 and,

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1            WHEREAS, on January 13, 2000, TSC and AT&T signed a letter memorializing  
2 agreement between the companies and the City that, for purposes of the unilateral  
3 amendment process in Section 29 of the Franchise, any unilateral amendment recommended  
4 by the Commission no later than April 1, 2000 shall not be challenged by the companies on  
5 the basis of the date on which it is recommended and that the six months provided in Section  
6 29 for action by the Board shall commence on the date of the Commission's recommendation;  
7 and,

8            WHEREAS, On January 24, 2000, the Telecommunications Commission adopted  
9 Resolution No. 99-018 supporting "the recommendations of the Department of  
10 Telecommunications and Information Services (DTIS) regarding non-discriminatory access to  
11 content on the Internet and open, non-discriminatory access to broadband transport as set  
12 forth in the Open Access Report and this Resolution," and recommending "that the Board of  
13 Supervisors 1) adopt policies requiring that broadband transport providers subject to the City's  
14 authority be required to provide non-discriminatory access to content and 2) adopt a  
15 requirement now that broadband transport providers subject to the City's authority must  
16 implement open, non-discriminatory access to broadband transport on January 1, 2003, with  
17 an opportunity for the Board of Supervisors to eliminate the requirement if market conditions  
18 no longer justify such action"; and,

19            WHEREAS, An ordinance that imposes such requirements on all broadband transport  
20 providers subject to the City's authority would apply to TSC and its corporate parents, the City  
21 has an additional opportunity to adopt unilateral amendments to the Franchise imposing such  
22 requirements specifically on TSC and its corporate parents; and

23            WHEREAS, Section 29 of the Franchise provides that unilateral amendments to the  
24 Franchise must reflect service requirement changes that: 1) are based on advances in

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1 technology or demonstrated community needs; 2) are substantive in nature; and 3) affect a  
2 significant number of subscribers; and

3 WHEREAS, Unilateral amendments 1) requiring TSC and its corporate parents who  
4 serve San Francisco consumers to provide Nondiscriminatory Access to Broadband Transport  
5 Services by a date certain set by the Board with an opportunity for the Board to waive this  
6 requirement if market conditions no longer justify such a requirement ("Nondiscriminatory  
7 Access to Broadband Transport Services Amendment"), and 2) prohibiting TSC, its corporate  
8 parents, their Affiliated ISPs, and any ISPs who obtain Nondiscriminatory Access to  
9 Broadband Transport Services under the City's requirements from intentionally discriminating  
10 in data transmission speed based on affiliation with TSC, its corporate parents, their Affiliated  
11 ISPs, and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services  
12 under the City's requirements ("Nondiscriminatory Access to Content Amendment"), and 3)  
3 encouraging TSC, its corporate parents, their Affiliated ISPs, and any ISPs who obtain  
14 Nondiscriminatory Access to Broadband Transport Services under the City's requirements to  
15 ensure that their web sites are accessible to San Francisco consumers with disabilities  
16 ("Disability Access Amendment") satisfy all of the criteria listed in Section 29 that must be met  
17 for unilateral amendments to the Franchise; and,

18 WHEREAS, A Nondiscriminatory Access to Broadband Transport Services  
19 Amendment would reflect a service requirement change based on advances in technology  
20 because only technological advances have made it possible for cable operators to provide  
21 broadband access to the internet over a cable system and would be based on demonstrated  
22 community needs because the report "Results of the 1999 Survey of Residents on  
23 Telecommunications Issues" ("1999 Telecom Survey") prepared for the Department by the  
24 Public Research Institute found that 49% of San Francisco residents have a connection to the  
25 Internet at their homes, 72% of San Francisco residents believe that connection to the Internet

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1       is very or somewhat important for education and employment, and San Francisco residents  
2       identified the speed of access to the Internet as the most widely reported problem with their  
3       Internet service and because many members of the public have testified in a variety of City  
4       hearings that they wish to receive broadband internet services over the cable system from a  
5       variety of sources, not just from the cable operator or its affiliates; and

6               WHEREAS, A Nondiscriminatory Access to Broadband Transport Services

7       Amendment would be substantive in nature because it would not address procedural matters  
8       between TSC and the City but would affect services available to subscribers and would affect  
9       a significant number of subscribers because it affects the services that will become available  
10      over the cable system to every cable subscriber; and

11               WHEREAS, A Nondiscriminatory Access to Content Amendment would reflect service

12       requirement changes based on advances in advances in technology and demonstrated  
13       community needs because only technological advances have made it possible for cable  
14       operators to provide broadband internet access services over a cable system and because  
15       broadband consumer access to the diverse content and applications available over the  
16       Internet is critical to the political, cultural and economic development of San Francisco; and,

17               WHEREAS, A Nondiscriminatory Access to Content Amendment would be substantive

18       in nature because it would not address procedural matters between TSC and the City but  
19       would affect services available to subscribers and would affect a significant number of  
20       subscribers because it affects the services that will become available over the cable system to  
21       every cable subscriber; and

22               WHEREAS, A Disability Access Amendment would reflect service requirement

23       changes based on advances in technology because only technological advances have made  
24       it possible for cable operators to provide broadband internet access over a cable system and  
25       because technological advances have affected the ability of content providers to make

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1 information over the internet more accessible to persons with disabilities; and would be based  
2 on demonstrated community needs because disability advocates and Subscribers with  
3 disabilities have testified about the importance of people with disabilities being able to access  
4 the web sites of AT&T and its Affiliated ISPs; and

5 WHEREAS, A Disability Access Amendment would be substantive in nature because it  
6 would not address procedural matters between TSC and the City but would affect the ability of  
7 San Francisco residents with disabilities to access information over the internet and would  
8 affect a significant number of subscribers because it affects the services that will become  
9 available over the cable system to every cable subscriber; now, therefore be it

10 RESOLVED, That the Telecommunications Commission supports the findings of DTIS  
11 that the Nondiscriminatory Access to Broadband Transport Services Amendment, the  
12 Nondiscriminatory Access to Content Amendment and the Disability Access Amendment  
13 would satisfy the criteria for unilateral amendments specified in Section 29 of the Franchise;  
14 and be it

15 FURTHER RESOLVED, That the Telecommunications Commission recommends that  
16 the Board Of Supervisors: 1) adopt a unilateral amendment to the cable television franchise  
17 granted to TSC requiring that TSC and its corporate parents (including AT&T) who serve San  
18 Francisco consumers provide Nondiscriminatory Access to Broadband Transport Services by  
19 a date certain set by the Board, with an opportunity for the Board to waive this requirement if  
20 market conditions no longer justify such requirement; and 2) adopt a unilateral franchise  
21 amendment that prohibits TSC, its corporate parents (including AT&T), their affiliated ISPs  
22 any ISPs who obtain nondiscriminatory access to broadband transport services under the  
23 City's requirements from intentionally discriminating in data transmission speed based on  
24 affiliation with TSC, AT&T, their affiliated ISPs, and any ISPs who obtain Nondiscriminatory  
25 Access to Broadband Transport Services under the City's requirements; and 3) encourage

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1 TSC, its corporate parents, their affiliated ISPs, and any ISPs who obtain Nondiscriminatory  
2 Access to Broadband Transport Services under the City's requirements to ensure that their  
3 web sites are accessible to San Francisco consumers with disabilities.

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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## MINUTES

MONDAY, MARCH 20, 2000  
CITY HALL  
ROOM 400

SPECIAL MEETING  
5:30 P.M.

### COMMISSIONERS

E. David Ellington, President  
Ernest Jackson, Vice President  
Bonnie Engel  
John Lira  
Jan Masaoka

Liza Lowery, Director  
DEPARTMENT OF TELECOMMUNICATIONS  
AND INFORMATION SERVICES (DTIS)

### Order of Business

#### 1. Call to Order and Roll Call

The meeting was called to order by Vice President Ernest Jackson at 5:36 P.M.

Vice President Jackson stated that item "5) Old Business: Unilateral Amendments to the AT&T Cable Television Franchise" would be heard out of order.

Vice President Jackson called roll for the Commission.

Present: Ernest Jackson, Vice President

Bonnie Engel, Commissioner

John Lira, Commissioner

Jan Masaoka, Commissioner

Excused

Absence: E. David Ellington, President



## **2. Approval of the Minutes of January 24, 2000 Regular Meeting**

### Action Taken:

Commissioner Engel made a motion, seconded by Commissioner Lira, to adopt the minutes of January 24, 2000. The Commission moved to adopt the minutes with four ayes [Jackson, Engel, Lira, Masaoka], none opposed.

- Comment: None.
- Public Testimony: None.

## **3. Communications**

Vice President Jackson briefly reviewed the list of communications sent to the Commission.

- Comment: None.
- Public Testimony: None.

[At the request of Vice President Jackson, the Commission heard the following item out of order.]

## **5. Old Business**

### **• Unilateral Amendments to the AT&T Cable Television Franchise**

#### **a. Proposed Open Access Resolutions**

Director Liza Lowery, DTIS, gave an overview of the AT&T unilateral amendments. Deputy Director Denise Brady, DTIS, read the title of Resolution No. 00-022:

"Recommending that the Board of Supervisors: 1) Adopt a unilateral amendment to the cable television franchise granted to Television Signal Corporation ("TSC") requiring that TSC and its corporate parents (including AT&T) who serve San Francisco consumers provide Nondiscriminatory Access to Broadband Transport Services by a date certain set by the Board, with an opportunity for the Board to waive this requirement if market conditions no longer justify such requirement; and 2) Adopt a unilateral franchise amendment that prohibits TSC, its corporate parents (including AT&T), their affiliated Internet Service Providers ("ISPs"), and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services under the City's requirements from intentionally discriminating in data transmission speed based on affiliation with TSC, AT&T, their affiliated ISPs, and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services under the City's requirements; and 3) Encourage TSC, its corporate parents, their affiliated ISPs, and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services under the City's requirements to ensure that their web sites are accessible to San Francisco consumers with disabilities."

#### **o Commissioners' Comments**

Commissioner Engel asked why the Commission is making a recommendation to the Board of Supervisors (Board) that the Board set the date, rather than using the date set in the original Commission resolution, passed on January 24, 2000.

Ms. Lowery responded that the Commissioner was correct in that January 1, 2003 had been set as the date certain at the January Commission meeting. However, the Board could take final action, and they are allowed to determine a new date if they so choose.

Commissioner Engel and Ms. Lowery discussed how this resolution would address the accessibility to the Internet for persons with disabilities.

Commissioner Lira asked how, if this resolution were in place, it would be measured and monitored, how the process would work and what the infrastructure would look like. Ms. Lowery replied that their goal has been to



make this as least burdensome to the public, the City, the franchisees and the ISPs as possible. Ms. Lowery further stated that they have been non-specific about the implementation in order to allow the Board the broadest latitude possible in adopting a policy.

In response to Commissioner Masaoka's question, Ms. Lowery stated that in the substantive areas, this resolution is a restating of the January 24, 2000 resolution. In response to Vice President Jackson's question, Ms. Lowery stated that the difference in the two resolutions is that this one is only specific to AT&T through the unilateral amendment process.

- o Public Testimony

Susan Ritchie, AT&T, stated that they would make their comments after the closed session.

a. Closed Session

Action Taken:

Commissioner Lira made a motion, seconded by Commissioner Engel, for the Telecommunications Commission to convene in closed session with the City Attorney.

After the closed session, Vice President Jackson asked Deputy City Attorney Christine Ferrari to report on the subjects that were discussed in the closed session. Ms. Ferrari reported that the closed session was used to discuss anticipated litigation as defendant regarding open access as a unilateral amendment to the AT&T cable television franchise, as permitted by Government Code Section 54956.9(c), and that no action was taken during the closed session. Commission Secretary Kim Weisman confirmed that no action was taken.

Action Taken:

Commissioner Lira made a motion, seconded by Commissioner Engel, that it is in the best interest of the public that the Commission at this time not disclose its closed session deliberations. The motion passed with four ayes [Jackson, Engel, Lira, Masaoka], none opposed.

b. Unilateral Amendments Resolutions

Commissioner Engel made a motion that the Commission adopt the proposed Resolution 00-022. [This motion was seconded; voting was postponed on the proposed resolution until after the four proposed amendments to the resolution were read, discussed and voted on; see below.]

Ms. Lowery read the four amendments to the resolution:

Amendment One: Date Certain

Option A, page 3, line 5: strike "a date certain set by the Board" and replace with "January 1, 2003".

A corresponding change would also be made to the title.

Amendment Two: Description of Amendments

This amendment inserts the following underlined text starting on page 3, line 3, as well as corresponding changes starting on page 5, line 15:

"WHEREAS, Unilateral amendments 1) requiring TSC and its corporate parents who serve San Francisco consumers to provide Nondiscriminatory Access to Broadband Transport Services, and prohibiting them from



adopting any rate, term or condition of

Access to Broadband Transport Services that has the purpose or effect of denying Nondiscriminatory Access to any requesting ISP, by a date certain set by the Board; with creating an opportunity for TSC and its corporate parents to refuse a request for Nondiscriminatory Access if they already provide Nondiscriminatory Access to multiple ISPs and show that additional compliance would substantially degrade service quality and authorizing the Board to waive this the Nondiscriminatory Access requirement if market conditions no longer justify such a requirement ("Nondiscriminatory Access to Broadband Transport Services Amendment"), and 2) prohibiting TSC, its corporate parents, their Affiliated ISPs, and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services under the City's requirements from intentionally discriminating in data transmission speed based on affiliation with TSC, its corporate parents, their Affiliated ISPs, and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services under the City's requirements, and excusing them from such obligations if they provide written monthly notices to subscribers and the City ("Nondiscriminatory Access to Content Amendment"), and 3) encouraging TSC, its corporate parents, their Affiliated ISPs, and any ISPs who obtain Nondiscriminatory Access to Broadband Transport Services under the City's requirements to ensure that their web sites are accessible to San Francisco consumers with disabilities ("Disability Access Amendment") satisfy all of the criteria listed in Section 29 that must be met for unilateral amendments to the Franchise."

A corresponding change would also be made to the passage beginning with "Further Resolved," page 5, line 15.

Amendment Three: Directing DTIS to draft specific language for transmittal to the Board

This amendment inserts the following underlined text on page 6, line 3, as well as a corresponding change made to the title:

"Further Resolved, That the Telecommunications Commission directs DTIS to draft specific language to implement the recommended amendments for transmittal to the Board."

This amendment also inserts the following underlined text on page 1, line 19, as well as a corresponding change to the title:

"And directing DTIS to draft specific language to implement the recommended amendments for transmittal to the Board."

Amendment Four: Grammatical Correction

This amendment inserts the following underlined text on page 5, lines 20 and 23, as well as a corresponding change to the title:

"...amendment that prohibits TSC, its corporate parents (including AT&T), their affiliated ISPs, and any ISPs who obtain nondiscriminatory access to broadband transport services under the City's requirements, from intentionally discriminating in data transmission speed..."

- Commissioners' Comments: None.
- Public Testimony: None.
- Commissioner's Vote:

Action Taken

Commissioner Masaoka made a motion, seconded by Commissioner Lira, to distribute the amendments to the public. The motion passed with four ayes [Jackson, Engel, Lira, Masaoka], none opposed.

- Commissioners' Comments: None.



- o Public Testimony: None.
- o Commissioners' Vote:

#### Action Taken

Commissioner Engel made a motion, seconded by Commissioner Masaoka, to adopt Amendments Three and Four. The motion passed with four ayes [Jackson, Engel, Lira, Masaoka], none opposed.

- o Commissioners' Comments:

Commissioner Engel made a motion, seconded by Commissioner Lira, to adopt Amendment One.

Commissioner Masaoka stated that she preferred wording that allows a window of time between July 1, 2002 and January 1, 2003, and that she would vote against this motion so that she can introduce a motion that allows that window of time. Commissioner Engel stated that she prefers a definitive date, rather than the language of "a date certain" that is in the current proposed resolution. Commissioner Lira stated that he preferred the date to be the proposed Departmental recommendation date of January 1, 2003.

- o Public Testimony:

Ms. Ritchie, AT&T, stated that AT&T is already on the record as opposed to a date certain, as it slows down efforts to deploy the network. She requested that the Commission take advantage of the next window for unilateral amendments at the end of 2002, and in the meantime let the market develop.

Commissioner Engel briefly discussed issues regarding open access with AT&T's Ms. Ritchie and Ken McNealy, Vice President of Law and Government Affairs, Pacific Region.

- o Commissioners' Vote:

#### Action Taken

Commissioner Lira re-read Amendment One. As a motion was currently on the table, a vote was taken to approve Amendment One. The motion failed to pass with two ayes [Engel, Lira], two opposed [Jackson, Masaoka.]

- o Commissioners' Comments:

Commissioner Masaoka made a motion of an amendment to Amendment One, striking the date "January 1, 2003", and replacing it with ", between July 1, 2002 and January 1, 2003.", seconded by Commissioner Engel.

- o Public Testimony:

Lynn Bunim, Pacific Bell, urged the Commission to take this amendment under deep consideration.

- o Commissioners' Vote:

#### Action Taken

As a motion was currently on the table, a vote was taken to approve the amended version of Amendment One.



The motion passed with three ayes [Jackson, Engel, Masaoka], one opposed [Lira].

- o Commissioners' Comments:

The Commissioners considered the remaining amendment to the resolution, Amendment Two.

Commissioner Masaoka made a motion for an amendment to the amendment, to keep the wording in the first part, and remove the following from the later portion of the amendment: ", and excusing them from such obligations if they provide written monthly notices to subscribers and the City".

Commissioner Engel made a motion for consideration of Amendment Two as previously read, seconded by Commissioner Masaoka. [This procedure was necessary prior to considering Commissioner Masaoka's amendment to Amendment Two.]

Commissioner Masaoka restated her motion to amend Amendment Two, seconded by Commissioner Engel.

Commissioner Engel agreed with the amendment to Amendment Two because the text is confusing and imprecise.

- o Public Testimony:

Ms. Ritchie, AT&T, stated that AT&T agreed with Commissioner Engel's comments.

[The following comments were made at this time from the Commission:

Commissioner Lira stated that he was still in favor of the Department's recommendation.

Commissioner Masaoka stated that the way the passage is currently worded, she does not agree with it.

Commissioner Engel stated that she agreed with Commissioner Masaoka.]

- o Commissioners' Vote:

#### Action Taken

As one of two motions were currently on the table, a vote was taken to adopt the amendment to Amendment Two. The motion passed with three ayes [Jackson, Engel, Masaoka], one opposed [Lira].

- o Commissioners' Comments: None.

- o Public Testimony:

Mr. McNealy, AT&T, stated that he was deeply troubled by the language in the resolution and its effect on the company's ability to negotiate freely with any ISPs. At the request of Commissioner Engel, Mr. McNealy read the portion of the resolution that related to his statement.

Jay Rowls, Head of Network Engineering, Excite@Home, spoke on issues related to speed, interconnection, ISP selection and quality of service. Commissioner Engel briefly discussed this issue further with Mr. Rowls.

Peter Arnold, Hands Off the Internet Coalition, spoke about the various possible business relationships between ISPs and the cable companies, and the problems with across-the-board regulation. Commissioner Engel briefly discussed this issue further with Mr. Arnold.

In response to Mr. Arnold's comments, Ms. Lowery clarified that the resolution before the Commission today does allow for different rates, terms and conditions for ISPs.



Steve Harris, Vice President and General Counsel, Softnet Systems, parent company of the ISP Channel, stated that they were not in favor of regulation in this issue.

Vice President Jackson stated that what he was hearing tonight from public testimony was that companies felt that there would be extreme imposition by government that would prohibit any of them from doing business. Mr. Harris responded that it wouldn't prohibit them from doing business, but it would make doing business harder.

Christine Herron, Founder, Mercury Two, stated that government is imposing a framework for how businesses are allowed to conduct their business.

o Commissioners' Vote:

Vice President Jackson moved to continue Amendment Two, as amended, to the next Commission meeting on March 27, 2000, seconded by Commissioner Lira. Ms. Brady discussed the issue of whether there would be a quorum available at the next meeting, as the Commission needed to act prior to the April 1, 2000 deadline of making a recommendation on this issue. Based on further discussion with the Commission, Vice President Jackson withdrew his motion.

Action Taken

As a previous motion was currently on the table, a vote was taken to adopt Amendment Two, as previously amended. The motion passed with three ayes [Jackson, Engel, Masaoka], one opposed [Lira.]

o Commissioners' Comments:

The Commission briefly discussed the resolution as amended.

o Public Testimony

John Engman, Director of Government Affairs, Excite@Home, stated his concerns that he believed there was a substantive change in this resolution, that was not in the previous one passed in January 2000, concerning data transmission speed.

[The following comments were made at this time from the Commission:

In response to Mr. Engman's comments, Vice President Jackson stated that the Department was not going to be policing every transaction and that it is still a free marketplace. In response to Mr. Engman's comments, Ms. Lowery stated that this is not a change from the resolution that had been previously adopted in January 2000. Commissioner Masaoka added further comments to this issue.]

Linda Crayton, AT&T, stated that AT&T was concerned about the Department delivering the resolution document late on the Friday prior to the Commission meeting, and AT&T's inability to respond due to the timeframe.

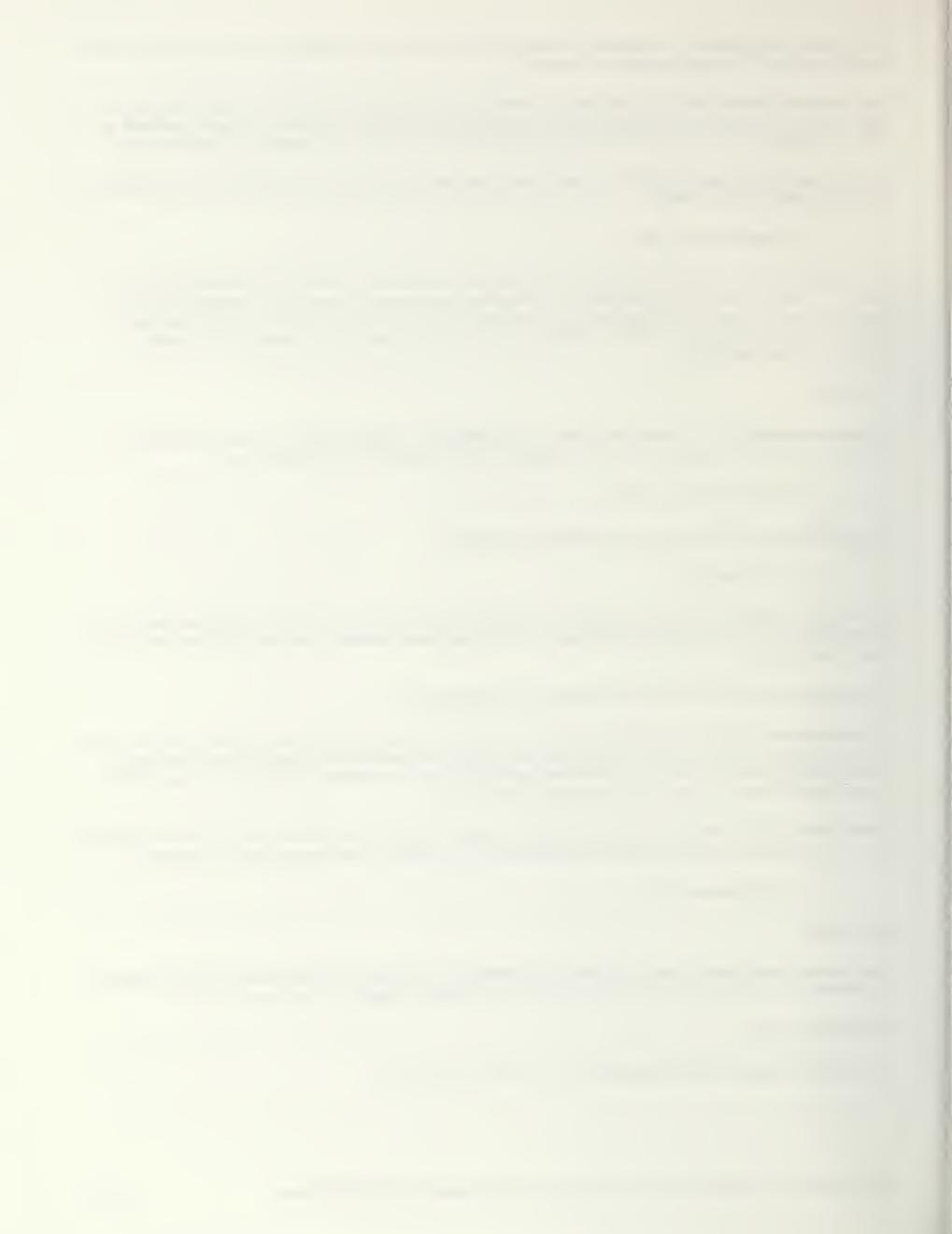
o Commissioners' Vote

Action Taken

Commissioner Engel made a motion, seconded by Commissioner Masaoka, that Resolution 00-022 be adopted as amended. The motion passed with three ayes [Jackson, Engel, Masaoka], one opposed [Lira.]

**4. Director's Report**

Vice President Jackson continued this item to the April 24, 2000 meeting.



## **6. New Business**

- **Presentation by Pacific Bell of Project Pronto**

Vice President Jackson continued this item to the April 24, 2000 meeting.

## **7. Calendar Matters**

Vice President Jackson canceled the March 27, 2000 regular meeting of the Commission and continued the Rescheduling of the February 10, 2000 workshop agenda item to the April 24, 2000 meeting.

- Commissioners' Comments [for Agenda items 4, 6, and 7]: None.
- Public Testimony [for Agenda items 4, 6, and 7]:

Ms. Crayton, AT&T, noted to the Commission that the next Commission meeting falls on the same night as the pre-reception for the Mayor's Women's Summit, to be held in City Hall.

**8. Public Comment:** None.

## **9. Adjournment**

Vice President Jackson adjourned the meeting at approximately 8:46 p.m.

Respectfully submitted,

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Kim B. Weisman

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**Department of Telecommunications & Information Services**  
**Monthly Status Report**  
**February 2001**

**Major Accomplishments:**

Successful conversion for Main Library from old voice mail system to standard Audix system.

Proposed design of Public Safety network is complete and field preparation work was initiated. Project plan is in development for presentation to Public Safety departments.

Began Alpha testing of Virtual Private Network (VPN) solution.

**Project: Telecommunications Plan (Brian Roberts)**

Commission workshop conducted resulting in development of external (community) goals, strategic initiatives, and policy recommendations. Brian also created project time line through 1<sup>st</sup> half of calendar year.

**Project: PEG with emphasis on Education and Government (Denise Brady)**

Education - No Activity

Government - Relocated modulator to the new E911 facility and completed the installation of the robotic camera and lighting equipment in the press room. These changes will accommodate live feeds of emergency related programming over CityWatch and CitySpan and accommodate direct feeds to local broadcast channels.

Public Access - Approved transfer of \$100,000 of operating funds granted to SFCTC to the capital project.

**Project: Franchise Management (Denise Brady)**

Concluded negotiations with AT&T regarding franchise fees on Cable Modern Service Revenue softening the hard edges of AT&T's original proposed letter to local franchise authorities (LFAs). AT&T's original default position, i.e. no response from LFA, resulted in AT&T discontinuing payment of the fee. The final position is the reverse, i.e. no response means they will continue payment of the fee.

**Project: Business Development related to telecommunications providers**

No activity.

**Project: Digital Divide (Denise Brady)**

No activity.



### **Project: Federal Legislation (Denise Brady/Commission Bogen)**

Deputy Director Brady will provide an update regarding pending legislation at the March regular meeting.

### **Project: Street Furniture (Denise Brady/Commissioner Engel)**

No activity by department.

### **Project: WIN Franchise Application (Brian Roberts)**

No activity. Anticipate that WIN will withdraw in March.

### **Project: Public Safety Network Bond Project (Denise Brady)**

Design completed. Negotiations with PG&E completed. Field preparation initiated. Working on project plan and presentation to Public Safety departments for approval to move forward.

### **Project: Internal Operations (Liza Lowery)**

New organizational structure completed and communicated to department. Meet and confer letters sent to four (4) bargaining units representing DTIS employees. Three out of four have agreed; fourth is pending meeting in March to discuss reorganization – no issues identified to date. Presentation made to Controller and Mayor's Budget Office including immediate cost to reorganize entire department (approximately 450 employees) – no new positions and a total cost less than \$75,000. DTIS requesting two (2) new positions during budget process to support reorganization. Works continues on transition plan. Transition will begin April 1<sup>st</sup>.

Entire department supporting development of fiscal year 2001/02 budget. Tremendous undertaking due to City's process, lack of good internal systems, volume of data (60 departments & over 700 projects), and requirement to charge back nearly 100% of our budget.

### **Project: Enterprise Approach to IT (Liza Lowery)**

Completed negotiations with PTI. They will begin engagement to facilitate transition planning in mid-March. Met with several department heads and executive teams to discuss approach and vision.

### **Project: Miscellaneous Items**

The new Board of Supervisors is issuing a deluge of resolutions and inquiries related to IT. We are responding as appropriate. Examples include:

- A hearing on IT recruitment, retention and contracting out
- Internet Server Farms inquiry
- GIS Data License Fees
- Use and Access to GIS
- Use of CityWatch to carry information regarding scofflaw properties and landlords



**Telecommunications Commission  
City and County of San Francisco**

**[Proposed] Rules of Order**

[Material in brackets is explanatory notes, will not be part of the rules,  
and will not be printed after the rules are adopted.]

**Regular Meetings.** The Commission shall hold regular meetings beginning at 5:30 p.m. on the fourth Monday of each month, unless that day is a holiday in which case the Commission shall meet on the next business day, unless otherwise rescheduled in advance. Regular meetings shall be held in Room 400 of the City Hall at 1 Dr. Carlton B. Goodlett Place. [The San Francisco Sunshine Ordinance in Sec. 67.6(a) requires Commissions to establish by resolution or motion the time and place for holding regular meetings. The language concerning holidays is as provided in Sec. 67.6(c).]

**Special Meetings.** The President of the Commission or a majority of the members of the Commission may call a special meeting so long as public notice is provided consistent with applicable law, including 72 hours public notice. If the special meeting will be held outside of City Hall, at least 15 days public notice shall be provided. [These notice provisions are as required by Sec. 67.6(f) of the Sunshine Ordinance.]

**Quorum.** A quorum for the transaction of official business shall consist of three Commissioners. No Commissioner shall leave a Commission meeting if the departure will cause the loss of a quorum. In the absence of a quorum, the Commissioners present shall take no official action except to adjourn, to recess, or to order a call to absent Commissioners.

**Attendance.** Unless excused, each Commission member shall be present and ready to conduct Commission business at the hour appointed for each meeting of the Commission. A Commission member shall be excused from attending a Commission meeting by notifying both the President and the Secretary of the planned absence prior to the beginning of the meeting. A Commission member shall provide that notice promptly after knowing he/she must be absent. No member shall leave a Commission meeting while it is in session without permission from the presiding officer. If a Commissioner has more than three unexcused absences within any 12-month period, the commissioner shall be deemed to have resigned according to Sec. 11.87(e) of the Administrative Code.

**Meeting Agendas.** Both the Commission President and the Director of the department staffing the Commission shall establish and place items on the meeting agendas. Commission members who wish to place items on the agenda shall make such requests to the President.

**Meeting Minutes.** The Secretary shall prepare minutes of each Commission meeting providing such information as required by the San Francisco Sunshine Ordinance, including how each Commissioner voted on each question. The Secretary shall present draft minutes of each meeting for review and approval by the Commission at the first regular Commission meeting held more than ten days after the meeting for which the minutes are prepared.

**Applicable Rules.** The Commission shall exercise its functions in accordance with all applicable provisions of the Ralph M. Brown Act, the Political Reform Act, the San Francisco Charter, and the San Francisco Sunshine Ordinance. The Commission will use the most common parliamentary meeting provisions included in these Rules of Order. On matters not covered by these Rules, the provisions of the most recent edition of Robert's Rules of Order shall govern.

**Open Meetings.** Every Commission meeting shall be open to the public. The Commission shall not close any part of its open meeting to the public for "closed sessions," sometimes referred to as "executive sessions," except in strict observance of California's Ralph M. Brown Act (California's open meeting law) and the San Francisco Sunshine Ordinance.

**Call to Order and Roll Call.** The President shall call each meeting to order at the appointed hour. Immediately after the call to order, the Commission Secretary shall call the roll of the Commission members and shall record the names of those members present and the names of those members absent at the first roll call, and shall record the names and times of appearance of those members who arrive after the first roll call.

**Order of Business.** The Order of Business shall be as follows:

Call to Order and Roll Call  
Approval of Minutes  
Communications  
Director's Report  
Old Business  
New Business  
Public Comment  
Adjournment

**Commission Discussion.** When a member wishes to address the Commission, the member shall seek recognition from the presiding officer. When recognized, the member shall proceed to speak, confining comments to the question before the Commission. No Commissioner in discussion or debate shall, directly or indirectly, by any form of words, impute to another Commissioner or to other Commissioners any conduct or motive unworthy or unbecoming a Commissioner.

**Precedence of Motions during Debate.** When a question is under debate, no motion shall be entertained except the following motions that shall have precedence in the order listed:

To adjourn  
To call the Commission

To recess to a time certain  
To table  
To terminate debate  
To postpone or continue to a date certain  
To continue until later in the meeting  
To refer to committee or to staff  
To amend

**Commission Action.** Unless more than a majority vote is required by law, the approval of any matter shall require the affirmative vote of a majority of the full five member Commission, that is the affirmative vote of three members, regardless of the number of members actually appointed to the Commission and regardless of the number of members actually present. Parliamentary motions, however, shall require approval of only a majority of the members present. No vote shall be valid unless a member is actually present at the time of the vote.

**Commissioner Voting.** Each member present at a Commission meeting shall vote "yes" or "no" when a question is put, unless the member has a conflict of interest that legally precludes participation in the vote. Each Commission member shall determine whether he or she has a conflict of interest that prevents participating in a debate and a vote. Members who believe they may have a conflict of interest are encouraged to consult with the office of the City Attorney prior to making that determination. If a member decides not to vote because of a conflict of interest, the member shall publicly disclose the nature of the conflict.

**Agenda Item Consideration.** Consideration of each agenda item shall be in the order of: (a) presentation of the item, (b) public testimony, (c) Commission discussion and staff input, and (d) Commission action, if provided in the agenda.

**Public Testimony.** Speakers are requested but not required to identify themselves to facilitate accurate preparation of the minutes. During consideration of agenda items, public testimony shall be limited to comments pertaining to the item under consideration. The presiding officer shall be the judge of the pertinence of public testimony and may limit the privilege to testify if comments are not pertinent to the matter under consideration or if they reiterate comments made by previous speakers. Where reasonable under the circumstances, the presiding officer may limit public testimony and public comment to less than three minutes per person.

**Public Comment.** Members of the public may address the Commission on any matter within the Commission's jurisdiction for up to three minutes during the "Public Comment" item on the agenda. The presiding officer shall be the judge of whether the comments address a matter within the Commission's jurisdiction. If a subject is raised during "Public Comment" which is not on the agenda, the Commission shall not discuss the subject nor take action, except that it may approve procedural matters such as reference to staff or to a Commissioner for a report at a later meeting.

**Public Conduct.** Although the Commission welcomes public testimony at Commission meetings, persons in the audience shall not vocally express support or opposition to statements by Commissioners or by persons testifying. Audience members shall ensure that cell phones,

pgers, and other electronic communication devices do not ring and are not used in Commission meetings.

**Recess.** The Commission may recess any regular or special meeting to a time and place specified in the motion to recess. The notice and agenda of the original meeting shall serve as the notice and agenda for the recessed meeting. A separate notice and agenda shall not be required if the date to which the meeting is recessed is not more than five days after the original meeting.

**Election of Officers.** The Commission shall elect a President and a Vice President for a term of one year at its first meeting after June 30 each year. [That is the date when terms of Commissioners expire]

**President.** The President shall preside at all meetings of the Commission, shall preserve order and decorum, shall decide all questions of order (subject to appeal to the Commission by any member), and shall appoint members to Committees which may have been created by action of the Commission. The President shall have the right to participate in the proceedings of the Commission, including the right to make or second any motion.

**Vice President.** The Vice President shall perform the duties of the President in the absence of the President, or when the President shall designate the Vice President to act in the place of the President.

**Unavailability of Officers.** In the event of the death, resignation, removal or disability of the President, the Vice President shall act as the President until the Commission elects a President to serve the remainder of the term. In the event of the death, resignation, removal or disability of the Vice President, the President shall designate a member of the Commission to serve as Vice President until an election is held to fill out the remainder of the term.

**Commission Secretary.** The Commission expects that the Director of the department staffing the Commission, after consulting with the President, will appoint an employee of the department to serve as Commission Secretary to handle Commission correspondence, prepare and distribute Commission notices and agendas, maintain minutes of Commission meetings, time speakers, and notify speakers when they have reached their time limitation.

**Standards of Conduct:** The Commission shall enforce a code of conduct for public meetings which discourages and reprimands willful attack, defamation or slander in respect to sexual orientation, race, ethnic background, religious preference, gender, age or disability. Further, the Commission shall call for the removal of persons from public meetings who physically threaten others or prevent them from exercising their right of free speech.

**Suspension of the Rules.** Except for this rule and any provision of any rule that restates provisions of the Charter or other applicable law, any of these rules may be suspended by motion.

**Adoption of the Rules.** These Rules shall be adopted and amended by motion. Once adopted, these Rules shall remain in effect unless they are suspended or amended.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by a unanimous vote of the Telecommunications Commission of the City and County of San Francisco.

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Secretary



DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES  
TELECOMMUNICATIONS COMMISSION  
RESOLUTION NO. 01-024

1 RESOLUTION ADOPTING THE PROPOSED RULES OF ORDER GOVERNING THE  
2 COMMISSION'S MEETINGS, BUSINESS, AND CONDUCT.

3

4 WHEREAS, The Charter and Administrative Code allow for regularly held  
5 Commission meetings and encourage participation of interested people of the City and  
6 County of San Francisco; and

7 WHEREAS, The Board of Supervisors in resolution number 151-01 urges City  
8 Commissions to adopt and enforce a standard code of conduct; and

9 WHEREAS, The proposed rules of order is a guide for running public meetings  
10 to serve the citizens of San Francisco and to diligently and assiduously defend and  
11 promote the interests of the public; and therefore, be it

12 RESOLVED, That the Telecommunications Commission hereby adopts the  
13 proposed rules of order governing the Commission's meetings, business and conduct.

14

15 Approved by the Telecommunications Commission:

16

17 Ayes:

18

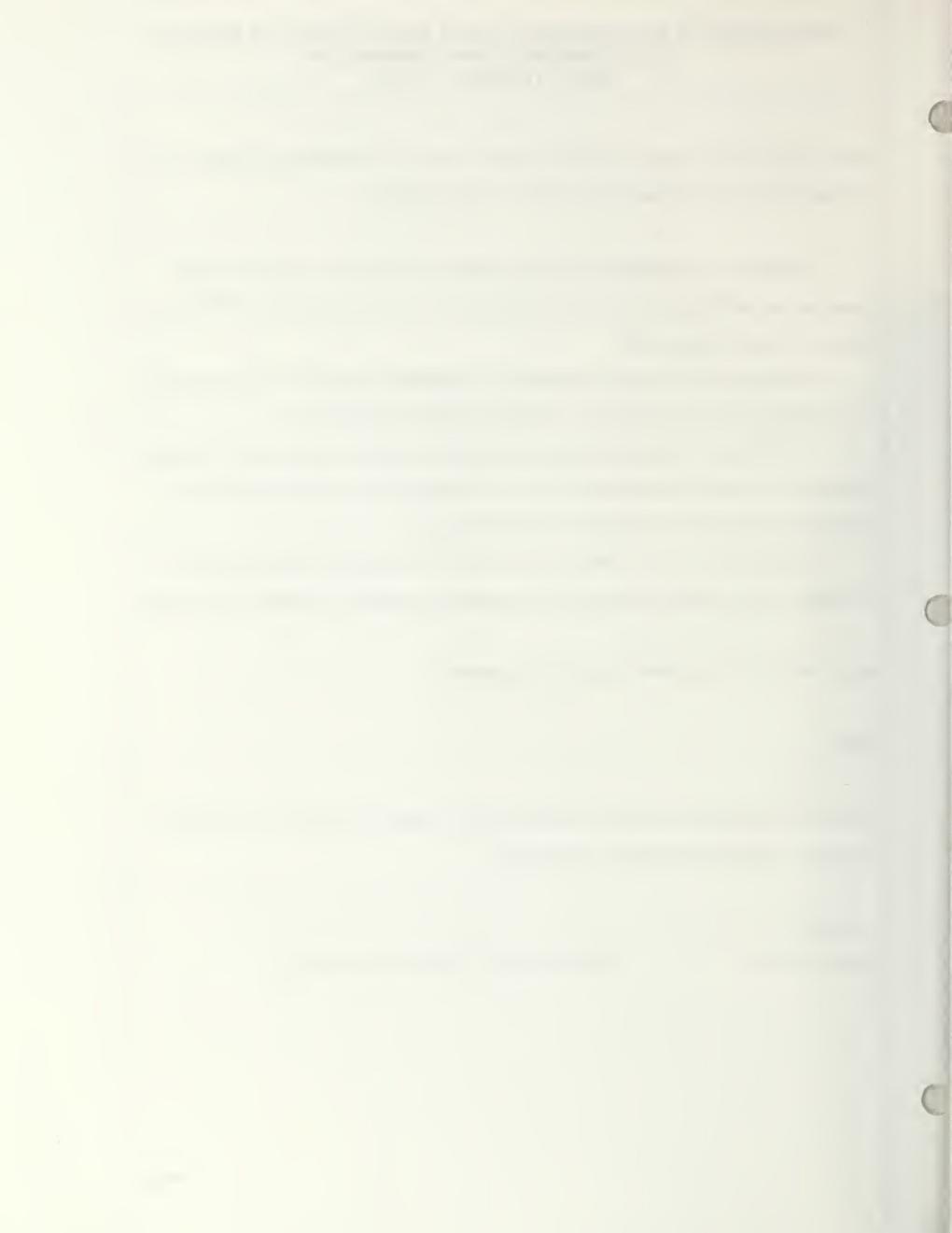
19 I hereby certify that the foregoing resolution as amended was approved by the San  
20 Francisco Telecommunications Commission.

21

22 3.26.01

23 Date Approved

Helen C. Danina, Commission Secretary



Department of Telecommunications and Information Services  
City and County of San Francisco

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**CANCELLATION NOTICE**  
REGULAR MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**

7/00  
ca/ed  
Monday, March 27, 2000, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 263

Please note that the regular meeting of the Telecommunications  
Commission for March 27, 2000 has been canceled.

*Too late to post*  
DOCUMENTS DEPT.

MAR 28 2000

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PUBLIC LIBRARY

Please Note:

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to Telecommunications\_Commission@ci.sf.ca.us.
- Correspondence should be received no later than 5:00 p.m. ten (10) days (normally a Friday) prior to the scheduled Telecommunications Commission meeting in order to be listed on the Communications section of the upcoming agenda. All correspondence s received after this date will be listed on future agendas.
- Communications to the Commission may be viewed upon request to Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying communications documents at DTIS, payable at the time of service.
- Agenda packets items, as noted on the Communications page, are available for public review on the Commission's web site (see address above), the San Francisco Main Public Library, 5<sup>th</sup> Floor, Government Documents Section or by contacting Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying applicable Commission documents at DTIS, payable at the time of service.

**Commission Information:**

- The Telecommunications Commission meets at 5:30 pm, City Hall, Room 400, on the fourth Monday of every month, unless otherwise noted. This schedule is subject to change.
- For information related to Telecommunications Commission matters, please phone 415/554-4443 or email Telecommunications\_Commission@ci.sf.ca.us
- The Telecommunications Commission web site address is www.ci.sf.ca.us/Telecommunications\_Commission.

## SUNSHINE ORDINANCE

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco  
Administrative Code).

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the peoples' review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

For more information on your rights under the Sunshine Ordinance, to obtain a copy of the Ordinance or to report a violation of the Ordinance, contact Rachel Arnstine O'Hara, Clerk at The Sunshine Ordinance Task Force City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, (email) [Rachel\\_ArnstineO'Hara@ci.sf.ca.us](mailto:Rachel_ArnstineO'Hara@ci.sf.ca.us), (phone) 415/554-6083.

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin Code 16.520 – 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 701, San Francisco, CA 94102, telephone 415/554-9510, fax 415/703-0121 or web site at [www.ci.sf.ca.us/ethics/](http://www.ci.sf.ca.us/ethics/)

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### **DISABILITY ACCESS**

The San Francisco City Hall is wheelchair accessible. Accessible seating for persons with disabilities, including those using wheelchairs, is available.

The closest accessible BART station is the Civic Center station, located at the intersection of Grove, Hyde, and Market Streets.

Accessible MUNI bus lines serving City Hall are the 19 Polk, 42 Downtown Loop, 9 San Bruno, and the 7 Haight/Noriega. Accessible MUNI lines are the J, K, L, and M. Disabled parking is available at designated points along Van Ness, McAllister, Grove, and Polk streets. For more information regarding MUNI accessible services, call 415/923-6142.

Individuals with severe allergies, environmental illness, Multiple Chemical Sensitivities, or other disabilities should contact (415) 554-6060 or TDD/TTY at (415) 554-6252, for inquiries. In order to assist the City in accommodating persons with such disabilities, attendees at all public meetings are reminded that other persons may be sensitive to chemically based products. Please help the City to accommodate these individuals.

American Sign Language interpreters, sound enhancement devices, information in alternative format and/or Stenocaptioning will be available upon request.

Please make your request for reasonable accommodations at least 72 hours in advance of any public meeting or hearing.



30  
1  
24/00

Department of Telecommunications and Information Services  
City and County of San Francisco

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# NOTICE

REGULAR MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

Monday, April 24, 2000, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 400

## AGENDA

There is one action item on this agenda.  
All other items on this agenda are for discussion purposes only.

The Commission respectively requests that all cell phones and pagers are turned off or to "vibrate" mode during the duration of the meeting, and if a phone call needs to be made to please leave the Commission meeting room to do so.

DOCUMENTS DEPT.

1) CALL TO ORDER AND ROLL CALL

E. David Ellington, President  
Ernest Jackson, Vice President  
Commissioner Bonnie Engel  
Commissioner John Lira  
Commissioner Jan Masaoka

APR 24 2000

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PUBLIC LIBRARY

2) APPROVAL OF THE MINUTES

(Commissioners will vote to adopt the minutes. Document associated with this item is the Minutes from the March 20, 2000 special meeting.)

ACTION ITEM

- Adoption of the Minutes of the March 20, 2000 special meeting
- Commissioners' Comments
- Public Testimony
- Commissioners' Vote

**3) COMMUNICATIONS****FOR DISCUSSION ONLY**

(Documents associated with this item are described at the end of this agenda. These documents are available for public review by contacting the Telecommunications Commission at the address or phone number listed at the end of the agenda.)

- See attached description of correspondence
  - Commissioners' Comments
  - Public Testimony

**4) NEW BUSINESS**

- Presentation by Pacific Bell of Project Pronto  
(There are no documents associated with this item.)
  - Commissioners' Comments
  - Public Testimony

**FOR DISCUSSION ONLY****5) OLD BUSINESS****a) Public and Education Channels Update****(1) Public and Education Channels  
Introduction****FOR DISCUSSION ONLY**

(There are no documents associated with this item.)

- Commissioners' Comments
- Public Testimony

**(2) San Francisco Cable Television  
Corporation's (CTC) Update on Public  
Access, Channel 29****FOR DISCUSSION ONLY**

(There are no documents associated with this item.)

- Commissioners' Comments
- Public Testimony

**(3) Education Channel 27 Update****(a) City College Presentation****FOR DISCUSSION ONLY**

(There are no documents associated with this item.)

- Commissioners' Comments
- Public Testimony

**(b) San Francisco Unified School District FOR DISCUSSION ONLY  
(SFUSD) Presentation**  
(There are no documents associated with this item.)

- Commissioners' Comments
- Public Testimony

**b) Telecom Plan Update FOR DISCUSSION ONLY**  
(There are no documents associated with this item.)

- Commissioners' Comments
- Public Testimony

**6) CALENDAR MATTERS FOR DISCUSSION ONLY**  
(There are no documents associated with this item.)

**- Rescheduling of the February 10, 2000 workshop**

- Commissioners' Comments
- Public Testimony

**7) DIRECTOR'S DTIS REPORT FOR DISCUSSION ONLY**  
(There are no documents associated with this item.)

**- Monthly Report on Department's Accomplishments**

- AT&T Cable Television Franchise Unilateral Amendments Update
- AT&T Cable Television Franchise Broadband Deployment
- Policy, Planning and Compliance Division Staff Update
- JUSTIS Project
- E911 Project

- Commissioners' Comments
- Public Testimony

**8) GENERAL PUBLIC TESTIMONY**

**9) ADJOURNMENT**

COMMUNICATIONS PAGE

COMMUNICATIONS RECEIVED MARCH 11– APRIL 14, 2000

COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS

1. Agenda for the April 24, 2000 Commission meeting.

ADDITIONAL COMMUNICATIONS RECEIVED FROM DTIS

1. Draft minutes for the March 20, 2000 special Commission meeting.
2. Copy of Resolution 00-022 transmittal packet to the Board of Supervisors, dated March 31, 2000, including: adopted Resolution 00-022, adopted Resolution 00-020, copy of the proposed nondiscriminatory broadband access unilateral amendments ordinance, copy of the March 31, 2000 legislative digest, copy of Section 29 in the Cable Television Franchise, and copy of agreement letter between AT&T and the City regarding unilateral amendments.
3. Monthly Policy, Planning and Compliance (PP&C) division projects update.
4. Minutes for the Committee on Information Technology's (COIT) February 24, 2000 meeting and agenda for COIT's March 23, 2000 meeting.

COMMUNICATIONS RECEIVED FROM THE PUBLIC

1. From AT&T, cable services price increase sheet, effective June 1, 2000.
2. Email from a resident of San Francisco, dated March 20, 2000, regarding @Home service being offered in San Francisco.
3. Letter from James Chappell, President, SPUR, dated March 20, 2000, regarding an editorial about Niels Erich and SPUR in the *Chronicle*.
4. Brochure for the Citizen Planning Institute's "Planning the City: Decision-Making in the Downtown San Francisco" event for May 22, 2000.
5. Letter from Sue Levitin, AT&T, dated April 4, 2000, regarding AT&T's price increases on their "A La Carte" premium services as of June 1, 2000.

**Please Note:**

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
- Correspondence should be received no later than 5:00 p.m. ten (10) days (normally a Friday) prior to the scheduled Telecommunications Commission meeting in order to be listed on the Communications section of the upcoming agenda. All correspondence is received after this date will be listed on future agendas.
- Communications to the Commission may be viewed upon request to Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 10-cent per page charge for photocopying communications documents at DTIS, payable at the time of service.
- Agenda packets items, as noted on the Communications page, are available for public review on the Commission's web site (see address above), the San Francisco Main Public Library, 5<sup>th</sup> Floor, Government Documents Section or by contacting Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying applicable Commission documents at DTIS, payable at the time of service.

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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## MINUTES

MONDAY, APRIL 24, 2000  
CITY HALL  
ROOM 400  
5:30 P.M.

### COMMISSIONERS

E. David Ellington, President  
Ernest Jackson, Vice President  
Bonnie Engel  
John Lira  
Jan Masaoka

Liza Lowery, Director  
DEPARTMENT OF TELECOMMUNICATIONS  
AND INFORMATION SERVICES (DTIS)

### Order of Business

#### 1. Call to Order and Roll Call

The meeting was called to order by President David Ellington at 5:42 P.M.

Vice President Jackson called roll for the Commission.

Present: E. David Ellington, President

Ernest Jackson, Vice President

Bonnie Engel, Commissioner

Jan Masaoka, Commissioner

Excused

Absence: John Lira, Commissioner

#### 2. Approval of the Minutes of March 20, 2000 Regular Meeting

##### Action Taken:

Commissioner Jackson made a motion, seconded by Commissioner Engel, to adopt the minutes of March 20, 2000 special Commission meeting. The Commission moved to adopt the minutes with four ayes [Ellington, Jackson, Engel, Masaoka], none opposed.



- Comment: None.
- Public Testimony: None.

### 3. Communications

President Ellington briefly reviewed the list of communications sent to the Commission.

- Comment: None.
- Public Testimony: None.

### 4. Old Business

#### - Presentation by Pacific Bell of Project Pronto

Zoon Nguyen, External Affairs Director, Pacific Bell, gave the introduction on Project Pronto, a project that will bring broadband technology to customers in San Francisco.

Ms. Nguyen introduced the Pacific Bell team members on Project Pronto: Steve Darragh, Regional Vice President of Public Sector, George Heath, Network Services Engineer, Danny Watson, Network Services Engineer and Patrick McNally, General Manager.

Mr. Darragh gave a PowerPoint presentation outlining the various aspects of one of their DSL (Digital Subscriber Line) services, Project Pronto. The goal of Project Pronto is to increase the bandwidth to homes and businesses so that those customers can have access to DSL. This project will allow 95% of all residents and business in California to have DSL, with 6 megabytes downstream capacity. [A copy of Pacific Bell's brochure on Project Pronto was given to the Commissioners, and a copy of the brochure is available upon request to the Commission Secretary.]

#### - Commissioners' Comments

In response to President Ellington's questions, Mr. Darragh and Mr. McNally stated that Pacific Bell's "self -install" DSL program has been in place for approximately three to four weeks; the customer receives a \$50 credit upon successful installation of the hardware. They stated that there are various 800-customer service numbers available, based on the specific type of problem with the service, and these numbers are answered 24 hours a day.

President Ellington, Mr. Darragh and Mr. McNally had an extensive discussion about various aspects of the DSL service, including President Ellington's and the public's experience with customer service problems at Pacific Bell. Pacific Bell stated that they are racing to keep up with demand and working to correct the customer service problems.

Commissioner Engel discussed her personal experience with problems with DSL and suggested that Pacific Bell have an automated service stating which areas of town are out of service, or "down," at a particular time, and that additional ISP providers are posted on the Pacific Bell site.

In response to Commissioner Masaoka's question, Pacific Bell stated that all of San Francisco would be served by DSL by the end of 2001.

Vice President Jackson asked if the Commission could obtain a copy of the complaint logs from Pacific Bell. The company stated that they would check on that, to find out if that information was or was not proprietary.

In response to questions from President Ellington, Pacific Bell stated that the current charge for DSL is \$39.95 per month with a one-year commitment, including free installation. They stated that San Francisco is on a price-par



with the rest of the Bay area, and DSL is more extensively deployed in the Bay area than in other parts of California.

Commissioner Masaoka asked for clarification on what the message is that the Commission was supposed to take away from tonight's presentation. Pacific Bell stated that they are increasing the number of DSL users by providing more equipment, which will in turn allow more residents and businesses to access the Internet at a higher bandwidth. Ms. Nguyen addressed Commissioner Masaoka's question on how this might apply to the Telecom Plan. She stated that it overlaps the Plan in that Pacific Bell is making an investment in a high -tech City by providing cutting edge technology and providing a better network.

The Commissioners and Pacific Bell continued the discussion about customer service issues, especially in relation to a broader rollout.

- Public Testimony: None.

## 5. Old Business

### a) Public and Education Channels Update

#### (1) Public Access and Education Channels Introduction

Denise Brady, Deputy Director, Department of Telecommunications and Information Services (DTIS), gave the introduction on the Public Access and Education channels.

- Commissioners' Comments: None.
- Public Testimony: None.

#### (2) San Francisco Cable Television Corporation's (CTC) Update on Public Access, Channel 29

Zane Blaney, CEO, CTC, gave a brief update on Public Access, Channel 29. Mr. Blaney stated that they are quite pleased and delighted to be here, and stated that the new "home" for Public Access' studios will be located at Valencia and Market. He briefly reviewed the layout of the new 4,447 square feet facility and stated that they hoped to build this out within the next six to eight months.

Mr. Blaney stated that they have also relocated the administrative offices to 24 Oak Street, which had been secured thanks to the assistance of Ms. Brady and Priscilla Watts, Channel Manager, Citywatch.

Mr. Blaney thanked AT&T for funding the move to 24 Oak Street and for their \$25,000 contribution to help rewire the new production facility.

Mr. Blaney stated that they are looking to build the new facility on Market as a cable television and Internet production/incubator facility and briefly reviewed other new aspects of CTC and the Public Access channel.

Mr. Blaney briefly reviewed CTC's fundraising plan: they are now ready to send equipment soliciting letters out to Sony, JVC, Panasonic, Adobe; they have attended the Arts Commission grant cycle briefing; they will be looking at the Mayor's Office of Community Development during the next cycle; they will be looking at the McArthur Foundation's grants and others; and they will be scheduling a fundraising event in conjunction with the opening of the new facility on Market Street.

- Commissioners' Comments

President Ellington congratulated the CTC. Mr. Blaney stated that they are very appreciative of all of the help that they have received from both the cable operator and DTIS.



[Note: per Commissioner Engel's request at the June 26, 2000 meeting, the following has been amended from the previous draft minutes.]

In response to Commission Engel's question, Ms. Brady stated that the CTC, at the request of the Department, has temporarily withdrawn its request to remove the California Channel from the Public Access channel. Ms. Brady stated that CTC has done a terrific job of reducing the backlog of requests and while there is still a list of producers seeking airtime, the daytime hours were not as attractive a time period for the producers. Ms. Brady stated with the current demands on CTC of building a new studio and the backlog not being terribly significant, Blaney and Supervisor Bierman recognized that there is a benefit in waiting for AT&T's deployment of its' new 750 MHz system. When deployed, the Department might be able to transfer the California Channel to one of the three new PEG channels without disruption to the Government Channel. Ms. Brady stated that the Department and CTC will continue to monitor the needs of the producers and when the Public Access Channel has a compelling need for airtime the issue will be revisited.

[End of amended section.]

Vice President Jackson congratulated the CTC.

- Public Testimony: None.

President Ellington took a moment to acknowledge John Taylor, former Clerk of the Board of Supervisors, who was visiting the Commission meeting that night.

### (3) Education Channel 27 Update

#### (a) City College Presentation

Francine Podinski, City College, Education Channel 27, gave a brief update on the Channel. Ms. Podinski introduced City College's School of Liberal Arts (also responsible for the Education Channel at City College) Dean Bruce Smith and John O'Dell, Education Channel Program Director.

Dean Smith spoke briefly about the management of the Education Channel. He stated that over the past few months, they have been identifying ways to have a closer integration of the broadcasting educational programming and the Education Channel. They are also working on better coordination with their partner on the channel, the San Francisco Unified School District (SFUSD.)

Mr. O'Dell discussed the City College's programming on the Channel: there are currently 26 hours a week of a variety of college credit courses, telecourse programming and 4 ½ hours of ESL (English as a Second Language) courses per week. Mr. O'Dell discussed types of non-course programming on the Channel, such as community bulletin boards.

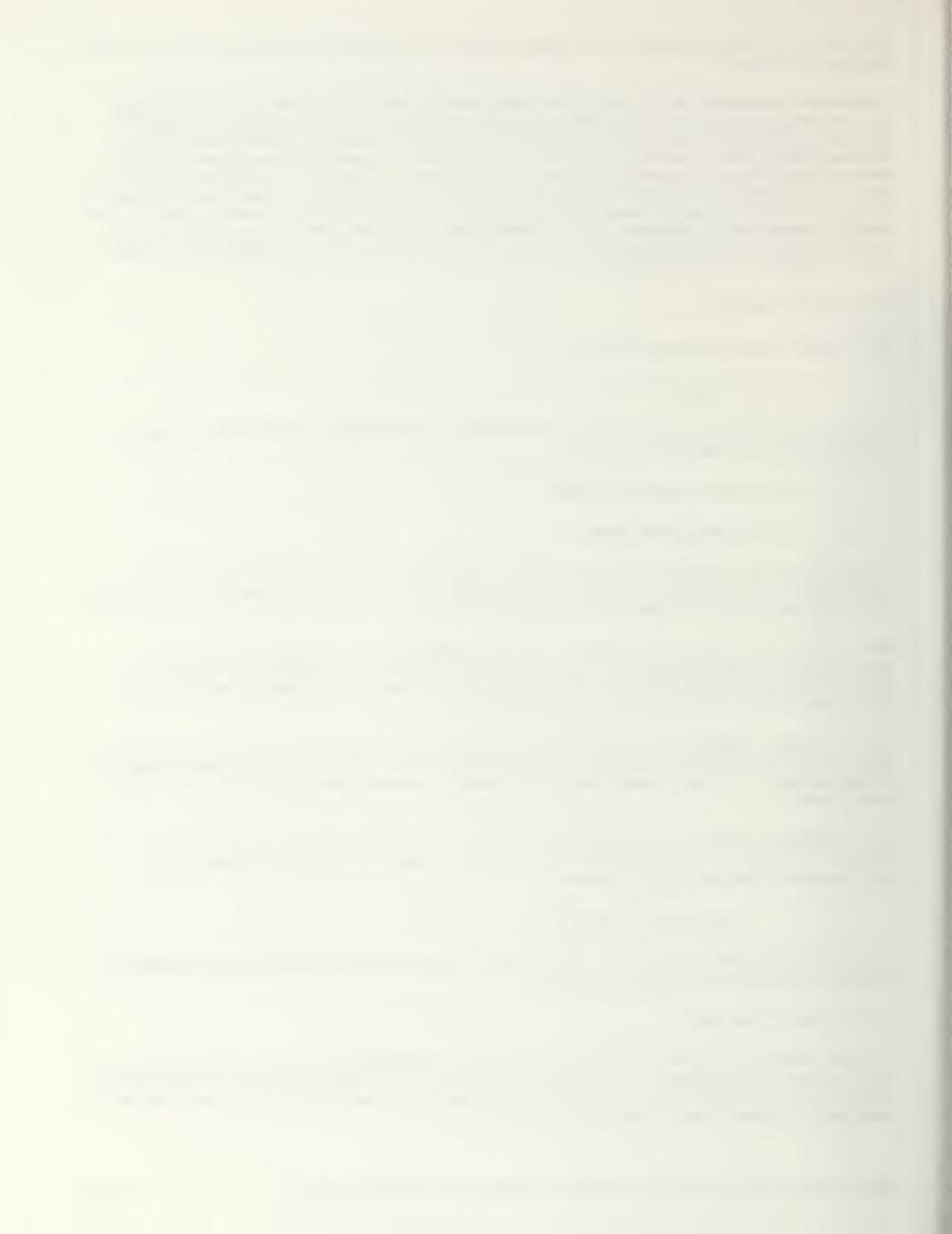
Ms. Podinski spoke briefly about four paid student internship programs offered by the Channel and new equipment that is being used at the Channel. She stated that the biggest and most exciting change at the is an enormous student and facility involvement.

- Commissioners' Comments

In response to Commissioner Masaoka's question, Dean Smith stated that the programming splits between City College and the SFUSD has been this way for some

time, and seems to work well.

Ms. Brady stated that DTIS is in the process of deciding how the additional three Access channels, available on AT&T's expanded cable network, will be divided. Ms. Brady stated that she had proposed to the Public, Education and Government Channels that they consider the new channels as 72 hours of programming a day, rather than designating one additional channel each to P, E and G.



Commissioner Masaoka asked for a report and a discussion of the additional Access channels to be placed on the agenda, sometime in the next few months, or when the Department deemed it to be an appropriate time.

In response to Vice President Jackson's question, Ms. Podinski stated that the students meet three to four times a semester on campus, usually for exams. The remainder of the time the students either watch the course(s) on television, rent them for a reasonable cost on video, and, if the courses are web-enhanced, the students can meet in web chat rooms.

- Public Testimony: None.

#### **(b) San Francisco Unified School District (SFUSD) Presentation**

Steve Sasso, Operations Manager for the School District and the Education Channel and Bruce Manson, Director of Special Projects, SFUSD, gave a brief update on Channel 27.

Mr. Sasso stated that SFUSD is in the process of developing its cable access resources to provide programming for people who are vested and/or have an interest in educational issues. At present, SFUSD has three primary target audiences: staff in the District, students and youth programming, and the adult education audience, primarily parents. Mr. Sasso briefly discussed the various types of programming that they offer on the Channel.

- Commissioners' Comments

Commissioner Engel commented on the positive changes with the Education Channel.

Commissioner Masaoka asked how the District's future programming would most likely be focused. Mr. Sasso replied that the focus would continue to be on the target audiences that he had previously mentioned.

- Public Testimony: None.

#### **b) Telecom Plan Update**

Ms. Lowery stated that Eve Eichwald, Project Manager, Telecom Plan, DTIS, has given her six-week notice and they do not yet know what impact that will have on the timeline for the Telecom Plan. Ms. Lowery stated that she would give an update on the timeline at the next meeting.

Ms. Eichwald gave an update on the Telecom Plan, which included review of the status of the draft plan, the small business focus groups, the large business interviews, the public participation phase and the internal needs assessment.

Ms. Eichwald stated the small business focus groups and the large business interviews are now complete. The first three chapters of the draft plan are complete, which include the findings, the methodology and the vision chapters. Still to be completed are the public participation phase and the internal needs assessment.

Paul Pendegast, Pendegast & Associates, briefly reviewed the methodology and the findings for the small business focus groups portion of the Telecom Plan. He reviewed the methodology, key findings, availability of services, service quality, cost vs. value, disruption vs. benefits, telecommuting and access in residential areas, need for training and education, vision, doing business with the City, and the City's role in relation to small business.

Ms. Eichwald further reviewed the large business interviews report, conducted by MCG, Inc., which is available on the Commission's website, the internal needs assessment, conducted by RCC Consulting, and the public participation phase, to be conducted by a to be determined consulting firm.

- Commissioners' Comments

President Ellington and Ms. Eichwald had a brief discussion about the timeline and methodology of the Plan.



Commissioner Masaoka asked if the firm that will be used for the public participation phase of the Plan would be selected by an RFP. Ms. Eichwald stated that the firm that is picked would be a subcontractor to RCC, so an RFP was not issued. At the request of Commissioner Masaoka, Ms. Eichwald stated that she would send her a copy of the scope of work when it was completed.

- Public Testimony: None.

## 6. Calendar Matters

President Ellington continued this item to the Call of the Chair.

- Commissioners' Comments: None.
- Public Testimony: None.

## 7. Director's Report

Liza Lowery, Director, DTIS, gave the Director's report.

Ms. Lowery reported on the following items:

- AT&T Cable Television Franchise Unilateral Amendments Update. At the last Commission meeting, the Commission passed a resolution to develop language regarding the unilateral amendment, which was forwarded to the Board of Supervisors. The Board now has six months in which to act, and it has not yet been scheduled for a hearing.
  - AT&T Cable Television Franchise Broadband Deployment. AT&T has deployed new broadband cable television service to 8,500 homes in San Francisco.
  - Policy, Planning and Compliance Division Staff Update. Ms. Lowery and Ms. Brady will be working with Human Resources to fill the positions vacated by Heidi
- Sieck-Williamson and Ms. Eichwald.
- JUSTIS Project. This is an integrated county system that is in the process of being replaced. Recently, six elected officials have agreed on a letter of agreement on how they would like to proceed with the replacement, and asked DTIS to support the data warehouse management for the application. DTIS will be issuing an RFP for various portions of the project.
  - E911 Project. The Fire Department cut over to the new system on April 12, 2000. The system functioned well, as DTIS had expected.

- Commissioners' Comments:

Vice President Jackson asked if DTIS had a leading role in the JUSTIS project. Ms. Lowery stated that DTIS has been a service provider and facilitator, not a stakeholder, in the project. DTIS' role will expand with the management of the data warehouse. In response to Vice President Jackson's follow-up question, Ms. Lowery stated that the data warehouse is being performed internally, and the RFP was issued for areas such as the case management system for adult probation.

Commissioner Masaoka stated that they are counting on Ms. Lowery to bring issues of concern to the Commission. Ms. Lowery stated that she would continue to do that, and anticipated that upon its completion, the Telecom Plan will be very useful for defining what those areas of concern should be.

- Public Testimony: None.



**8. General Public Testimony:** None.

**9. Adjournment**

President Ellington adjourned the meeting at approximately 7:40 p.m.

Respectfully submitted,

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Kim B. Weisman

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Department of Telecommunications and Information Services  
City and County of San Francisco

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# **CANCELLATION NOTICE**

OF THE REGULAR MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**

Please note that the regular meeting of the Telecommunications Commission for  
Monday, May 22, 2000 has been canceled.

The next regular meeting of the Commission will be held on  
Monday, June 26, 2000, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400.

DOCUMENTS DEPT.

MAY 22 2000

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Department of Telecommunications and Information Services  
City and County of San Francisco

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**NOTICE**  
REGULAR MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**

Monday, June 26, 2000, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 400

**AGENDA**

There are two action items on this agenda.  
All other items on this agenda are for discussion purposes only.

**The Commission respectively requests that all cell phones and pagers are turned off during the duration of the meeting.**

1) CALL TO ORDER AND ROLL CALL

DOCUMENTS DEPT.

E. David Ellington, President  
Ernest Jackson, Vice President  
Commissioner Bonnie Engel  
Commissioner John Lira  
Commissioner Jan Masaoka

JUN 27 2000

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2) APPROVAL OF THE MINUTES

ACTION ITEM

(Commissioners will vote to adopt the minutes. Document associated with this item is the Minutes from the April 24, 2000 meeting.)

- Adoption of the Minutes of the April 24, 2000 Commission meeting

- Commissioners' Comments
- Public Testimony
- Commissioners' Vote

APR 14 2000

**3) COMMUNICATIONS****FOR DISCUSSION ONLY**

(Documents associated with this item are described at the end of this agenda. These documents are available for public review by contacting the Telecommunications Commission at the address or phone number listed at the end of the agenda.)

- Commissioners' Comments
- Public Testimony

**4) DIRECTOR'S REPORT****FOR DISCUSSION ONLY**

(There are no handouts associated with this item.)

- Monthly Report on Department's Accomplishments

- E-Government Strategy Group
- E-Government Conference in Shanghai
- Digital Divide Task Force Update
- Community Technology Foundation of California Grant Making Process

- Commissioners' Comments
- Public Testimony

**5) NEW BUSINESS****a) AT&T Presentation on Cable****Television Rate Increases****FOR DISCUSSION ONLY**

(The handout associated with this item is AT&T Cable Services' rate adjustment sheet for June 2000.)

- Commissioners' Comments
- Public Testimony

**6) OLD BUSINESS****a) RCN Cable Television Franchise Application**

(The RCN application is available for public review on the Telecommunications Commission website at [www.ci.sf.ca.us/telecommunications\\_commission](http://www.ci.sf.ca.us/telecommunications_commission) or at the San Francisco Main Library, Government Documents Section.)

**(1) Update****FOR DISCUSSION ONLY**

(There are no handouts associated with this item.)

- Commissioners' Comments
- Public Testimony

**(2) RCN Resolution, 00-023**

**FOR DISCUSSION ONLY**

(The handout associated with this item is the full text of Resolution 00-023.)

URGING THE BOARD OF SUPERVISORS TO APPROVE THE PROPOSED FRANCHISE GRANTING A FIFTEEN YEAR FRANCHISE, WITH A FIVE YEAR EXTENSION OPTION, TO RCN TELECOM SERVICES OF CALIFORNIA, INC. FOR USE OF THE PUBLIC RIGHTS OF WAY WITHIN THE CITY AND COUNTY OF SAN FRANCISCO TO PROVIDE CABLE SERVICES, CABLE INTERNET SERVICES AND OTHER SERVICES UPON PAYMENT OF FIVE PERCENT OF GROSS REVENUES TO THE CITY AND COUNTY OF SAN FRANCISCO.

- Commissioners' Comments
- Public Testimony

**(3) Public Testimony**

**FOR DISCUSSION ONLY**

(The handout associated with this item is the same as that in agenda item 6)a)(2).)

- Commissioners' Comments
- Public Testimony

**(4) Vote on Resolution 00-023**

**ACTION ITEM**

(The handout associated with this item is the same as that in agenda item 6)a)(2).)

- Commissioners' Comments
- Public Testimony

**b) Telecom Plan**

**ALL ITEMS FOR DISCUSSION ONLY**

(There are no handouts associated with these items.)

**(1) Introduction of New Telecom Plan Project Manager, Fred Weiner**

- Commissioners' Comments
- Public Testimony

**(2) Update**

- Commissioners' Comments
- Public Testimony

**7) CALENDAR MATTERS** ALL ITEMS FOR DISCUSSION ONLY  
(There are no documents associated with these items.)

- Special Commission Meeting for Public Hearing on E-Government, Monday, July 17, 2000, 5:30 pm, City Hall, Room 263
- Cancellation of the Regular Monday, July 24, 2000 Commission meeting
- Special Commission Meeting for Public Hearing on the Public Participation Process of the Telecom Plan, Tuesday, August 15, 2000, 5:30 pm, City Hall, Room 263
  - Commissioners' Comments
  - Public Testimony

**8) RECOGNITION OF COMMISSIONER JOHN LIRA'S SERVICE TO THE TELECOMMUNICATION COMMISSION** FOR DISCUSSION ONLY  
(There is no handout associated with this item.)

- Commissioners' Comments
- Public Testimony

**9) GENERAL PUBLIC TESTIMONY** FOR DISCUSSION ONLY

**10) ADJOURNMENT**

**COMMUNICATIONS PAGE**

**COMMUNICATIONS RECEIVED APRIL 15 – JUNE 16, 2000**

**COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS**

1. Agenda for the June 26, 2000 Commission meeting.
2. Draft minutes for the April 24, 2000 Commission meeting.

**ADDITIONAL COMMUNICATIONS RECEIVED FROM DTIS**

1. Summary of RCN's proposed cable television franchise agreement.
2. Public Participation schedule for the Telecom Plan.

**COMMUNICATIONS RECEIVED FROM THE PUBLIC**

1. Letter from Sue Levitin, AT&T, dated May 12, 2000, regarding AT&T's digital cable buildout. Included a brochure entitled, "Convergence Zone."

**Please Note:**

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
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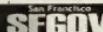
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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## MINUTES

MONDAY, JUNE 26, 2000  
CITY HALL  
ROOM 400  
5:30 P.M.

### COMMISSIONERS

E. David Ellington, President  
Ernest Jackson, Vice President  
Bonnie Engel  
John Lira  
Jan Masaoka  
Liza Lowery, Director

### DEPARTMENT OF TELECOMMUNICATIONS

### AND INFORMATION SERVICES (DTIS)

## Order of Business

### 1. Call to Order and Roll Call

The meeting was called to order by President David Ellington at 5:45 P.M.

President Ellington called role call for the Commission.

Present: E. David Ellington, President

Ernest Jackson, Vice President

Bonnie Engel, Commissioner

Excused

Absences: John Lira, Commissioner

Jan Masaoka, Commissioner

### 2. Approval of the Minutes of April 24, 2000 Regular Meeting

- Commissioners' Comment:

Commissioner Engel raised a question about how a portion of the meeting had been reviewed in the minutes.



Secretary Weisman stated that she would re-check the tapes for accuracy. The item was tabled until the next regular Commission meeting.

- Public Testimony: None.

### **3. Communications**

President Ellington briefly reviewed the list of communications sent to the Commission.

- Comment: None.
- Public Testimony: None.

### **4. Director's Report**

Liza Lowery, Director, DTIS, gave the Director's report.

Ms. Lowery reported on the following items:

- Electronic (e) Government Strategy Group

Through the Committee on Information Technology (COIT), a small group of City managers has been formed to create an e-Government (e-Gov) strategy group, in which DTIS has been asked to take a leadership role to develop an overall strategy for e-Gov.

- E-Government Conference in Shanghai

Ms. Lowery recently attended a five-day e-Gov conference in Shanghai, China along with several hundred delegates from Asian/Pacific region countries. The United Nations and the Government of China sponsored the conference. Ms. Lowery made a presentation to the conference attendees, which is available on the Commission's website ([www.sfgov.org/telecommunications\\_commission](http://www.sfgov.org/telecommunications_commission)).

- Digital Divide Task Force Update

The Board of Supervisors has passed an urging resolution to the Department to examine to look at the digital divide issue, and DTIS is participating in a task force to look at this issue and make recommendations for what role the City can take to address this issue.

President Ellington and Ms. Brady had a brief discussion about the participants in the task force, the definition of digital divide and economic opportunities that need to be created for persons of color.

- Community Technology Foundation of California Grant Making Process

Commissioner Engel asked what types of grants the Community Technology Foundation is seeking. Ms. Lowery stated that they are currently completing their first round of grant making.

[Note: a link to this organization can be found on the Commission's website.]

- Commissioners' Comments: [Included above.]
- Public Testimony: None.

[Note: The following agenda item was taken out of order at the request of President Ellington.]



## 7. Calendar Matters

At the request of President Ellington, the Commission's officer elections will be held at a special Commission meeting on July 17, 2000, based on a final decision by the City Attorney's Office.

Ms. Lowery stated that a public hearing on e-Gov would be held at the July 17, 2000 special meeting.

- Commissioners' Comments: None.
- Public Testimony: None.

## 5. New Business

### - AT&T Presentation on Cable Television Rate Increases

Sue Levitin and Andy Elson, AT&T, gave a brief presentation on the AT&T cable television rate increases.

Mr. Elson stated that San Francisco is approximately 5% below AT&T's national average for cable rates. He stated that the rate was due to the increased cost of carrying programming, inflation and the higher cost of living in San Francisco (e.g., employee salaries.)

- Commissioners' Comments

In response to questions and comments from the Commissioners, Mr. Elson stated that the converter cable box price has increased due to manufacturing costs, and although the Commission indicated that they felt programming had not improved, Mr. Elson stated that he felt that AT&T had much more original programming. Ms. Levitin stated that because of the buildup, more programming would be offered in the future. She stated that programming decisions were based on both local and national surveys as well as on business decisions. Andrew Johnson, AT&T, stated that he was responsible for conducting the surveys for AT&T, which are conducted once a year. Further discussion on programming issues was conducted between the Commission and AT&T.

In response to President Ellington, Mr. Elson stated that yes, AT&T owed a portion of Liberty, a content provider. Ms. Levitin stated that both companies have separate tracking stocks.

In response to the Commission's questions and comments on pricing and service,

Mr. Johnson stated that it is AT&T's policy to look at pricing once a year, and they are governed by the FCC for a maximum of what they can charge. He stated that they follow the FCC rules that 90% of calls be answered in 30 seconds or less. On the rebuild, Ms. Levitin stated that they have a full communication plan in place to notify customers when there will be a cable outage due to the rebuild.

- Public Testimony: None.

## 6. Old Business

### a) RCN Cable Television Franchise Application

#### (1) Update

[Note: Commissioner comments are interspersed with the update.]

Ms. Brady gave an overview of the terms of RCN's Cable Television Franchise application with the City:

1. Term: 15 + 5 years if RCN has met terms of the franchise.



President Ellington and Ms. Brady clarified that based on the similar length of previous franchise agreements with AT&T, this is not an excessive term length in San Francisco.

2. Build-Out:

- 8 years for 91% of the City.
- 7 additional years to complete the remainder. The remaining 9% are in parts of the financial district, south of Market and North Beach. These areas are very dense and all cable will be underground. The company will coordinate with other efforts in the City to take advantage of other projects where the streets have been dug-up already.
- Monitoring mechanism to enforce prohibition on redlining low income and minority neighborhoods.

3. Free Services for the City:

- Fiber Infrastructure (2-strands of dark fiber connected to a 4-strand backbone ring on RCN's network.)
- Up to 525 service connections:
  - Modem Drop (Cable modem and Internet service.)
  - Cable Drop (Expanded Basic Cable TV Connection and service.)
  - Fiber Drop (2 Strands of fiber) 1.5 service connections equal 1 fiber drop.
- Up to 540 miles of 2-inch conduit or equivalent value of 4-inch conduit.

4. PEG (Public, Education and Government) Channel Capacity: 7 Analog Channels and 10% of the capacity above 860 MHz.

In response to Commissioner Engel's question, Ms. Brady stated that there is not an item in the franchise agreement that spells out where the PEG channels will be assigned; this will be decided at a later date between DTIS and all the parties who produce programming for the PEG channels.

5. Cash Compensation:

- Franchise Fee: 5% on cable and cable modem revenue (Federal cap.)
- Annual PEG Support: \$0.21 per month per subscriber (equal to AT&T per subscriber); will sync up w/AT&T in 2006.
- 4 One Time PEG Grants totaling \$1.7 million over the first 10 years.
- Annual Infrastructure Support: \$50,000 for 5 years; sync up w/AT&T.
- All cash compensation indexed to inflation.

In response to Commissioner Engel's question, Ms. Brady stated that the cash grants would be determined based on future proposals that are submitted by the PEG channels.

6. Re-Openers of Franchise Agreement: (1) Federal or State preemption; (2) adjusts automatically in 2006 to tie to AT&T new PEG support requirements; (3) Technical quality review in 2007.

In response to Vice President Jackson's request, Ms. Brady reviewed the definition of



"re-opener." She stated that it allows both parties opportunities to review the franchise agreement based on the three items listed above, although item #2 will be automatic and will not involve re-negotiating the agreement.

7. Enforcement: RCN has agreed to liquidated damages for certain breaches.

8. Contract Requirements: RCN has agreed to abide by most City contracting requirements even though as a franchise they are not obligated to do so in all cases.

- (Additional) Commissioners' Comments:

In response to President Ellington's questions and comments, Ms. Brady stated that the items that DTIS felt might be most important to the public would be the terms of the agreement and the time of the buildout. Ms. Brady stated that this is a better compensation package to the City in exchange for the time of the buildout, and if the compensation had not been reasonable, the City would have held RCN to a shorter buildout time period. Ms. Brady agreed with President Ellington that San Francisco would benefit from competition in the marketplace.

Commissioner Engel asked if the RCN franchise was tied to the AT&T franchise.

Ms. Lowery responded that the Department had to balance the competitive edge between AT&T and RCN and still provide a franchise that was in the best interests of the citizens of San Francisco.

- Public Testimony:

David Hankin, Vice President, Government and Regulatory Affairs, RCN, thanked Ms. Lowery, Ms. Brady and Mr. Roberts for their hard work on the franchise agreement, and stated that RCN is very excited about bringing their services into San Francisco.

Commissioner Engel asked if RCN is bringing a wiring plan to the Commission, and why it is taking eight years to build their system. Mr. Hankin replied that RCN is starting from scratch, and that San Francisco is a difficult city to build in, but that they had every intention to build as quickly as they could. RCN will be working closely with the Department on their wiring plans.

**(2) RCN Resolution, 00-023**

President Ellington continued this item to the Call of the Chair.

**(3) Public Testimony**

President Ellington continued this item to the Call of the Chair.

**(4) Vote on Resolution, 00-023**

President Ellington continued this item to the Call of the Chair.

**b) Telecom Plan**

**(1) Introduction of New Telecom Plan Project Manager, Fred Weiner**

Ms. Lowery introduced Fred Weiner as the new Telecom Plan project manager.

- Commissioners' Comments: None.

- Public Testimony: None.

**(2) Update**



Ms. Lowery gave a brief update on the Telecom Plan. The Department continues to work on the internal needs assessment and is in the final phase, phase three, where recommendations will be made. Ms. Lowery stated that while the quality of the document will not be compromised, they are pushing RCC to stay on schedule as much as possible. Paul Pendergast, Pendergast & Associates, briefly reviewed the status of the Public Participation meeting phase in progress.

- Commissioners' Comments:

In response to Commissioner Engel's question, Ms. Lowery stated that the Department is currently working to expand upon the draft Telecom Plan.

In response to President Ellington's request, Mr. Weiner reviewed his responsibilities in regards to the Telecom Plan.

- Public Testimony: None

## 7. Calendar Matters

Ms. Lowery stated that a special commission meeting will be held for a public hearing on the public participation process on the Telecom Plan on Tuesday, August 15, 5:30 pm, City Hall, Room 263.

- Commissioners' Comments: None.

- Public Testimony: None.

## 8. Recognition of Commissioner John Lira's Service to the Telecommunication Commission

President Ellington read a proclamation from Mayor Brown of recognition of John Lira's service to the Telecommunications Commission.

"WHEREAS, John Lira's term as a commissioner on the Telecommunications Communication for the City and County of San Francisco ends on July 1, 2000, following distinguished service; and

WHEREAS, John Lira grew up in the Mission District of San Francisco, graduated from Lowell High School and City College of San Francisco, received a Master's Degree in Computer Science from San Jose State University and has many years of experience working in the computer industry primarily in the San Francisco Bay Area; and

WHEREAS, John Lira serves as the CEO and Founder of BayDirect Software, Inc., a software engineering company which was selected in 1997 by Hispanic magazine as one of the 1997 Hispanic Entrepreneur 100 companies; and

WHEREAS, John Lira joined the Telecommunications Communication for the City and County of San Francisco in March 1997, and has served on that commission since its inception and has performed with dedication, intelligence and vision; and

WHEREAS, John Lira has been a strong advocate for the interests of the community, addressing concerns regarding the provision of telecommunications services in San Francisco, and his fellow Commissioners on the Telecommunications Commission and the staff of the Department of Telecommunications and Information Services (DTIS) sincerely thank him for his term of service to the Commission; and

WHEREAS, Commissioner Lira has dedicated himself to the citizens of the City and County of San Francisco to ensure that they have a voice in the rapidly changing telecommunications industry and has shown great commitment to make sure that those changes will benefit the citizens of this City in the most positive way possible; now

THEREFORE, BE IT RESOLVED, that I, Willie L. Brown, Jr., Mayor of the City and County of San Francisco,



commend John Lira and thank him for his outstanding contributions to our City and its residents, and wish him a happy, prosperous and rewarding future, and do hereby proclaim June 26, 2000, as...

John Lira Day in San Francisco!

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City and County of San Francisco to be affixed.

Willie Lewis Brown, Jr., Mayor."

- Commissioners' Comments:

President Ellington and Ms. Lowery thanked Commissioner Lira for his contributions to the Commission.

- Public Testimony: None.

**9. General Public Testimony:** None.

**10. Adjournment**

President Ellington adjourned the meeting at approximately 7:33 p.m.

Respectfully submitted,

---

Kim B. Weisman

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**Department of Telecommunications and Information Services  
City and County of San Francisco**

**NOTICE**  
SPECIAL MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**

**Monday, July 17, 2000, 5:30 PM  
City Hall!  
1 Dr. Carlton B. Goodlett Place, Room 263**

## AGENDA

**There are three action items on this agenda.  
All other items on this agenda are for discussion purposes only.**

**The Commission respectively requests that all cell phones and pagers are turned off during the duration of the meeting.**

## 1) CALL TO ORDER AND ROLL CALL

**E. David Ellington, President  
Ernest Jackson, Vice President  
Commissioner Bonnie Engel  
Commissioner Jan Masaoka**

## 2) NEW BUSINESS

- a) Commission Officer Elections – President** **ACTION ITEM**  
(The Commission will vote for a new President of the Commission. There are no handouts for this item.)

  - Commissioners' Nomination(s)
  - Commissioners' Comments
  - Public Testimony
  - Commissioners' Vote

**DOCUMENTS DEPT.**

**DOCUMENTS DEPT**

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**2, b) Commission Officer Elections – Vice President**

**ACTION ITEM**

(The Commission will vote for a new Vice President of the Commission. There are no handouts for this item.)

- Commissioners' Nomination(s)
- Commissioners' Comments
- Public Testimony
- Commissioners' Vote

**2, c) Special Hearing on Electronic (E) Government**

**FOR DISCUSSION ONLY**

(The handout associated with this item is a short set of questions for the public hearing/testimony portion of the agenda.)

- **Introduction**

- Commissioners' Comments

[Please note: the purpose of this public hearing is to gain feedback and information on what e-Government services citizens and the business community feel should be provided online by the City and County of San Francisco. The Commission would appreciate the hearing to be limited to testimony that is specific to this issue.]

- Public Hearing/Testimony

**3) Old Business**

**a) RCN Cable Television Franchise  
Application Update**

**FOR DISCUSSION ONLY**

(There are no handouts associated with this item. The RCN application is available for public review on the Telecommunications Commission website at [www.ci.sf.ca.us/telecommunications\\_commission](http://www.ci.sf.ca.us/telecommunications_commission) or at the San Francisco Main Library, Government Documents Section.)

- Commissioners' Comments
- Public Testimony

**b) RCN Resolution, 00-023**

**ACTION ITEM**

(The handout associated with this item is the full text of Resolution 00-023. This item was continued to the Call of the Chair at the June 26, 2000 meeting.)

URGING THE BOARD OF SUPERVISORS TO APPROVE THE PROPOSED FRANCHISE GRANTING A FIFTEEN YEAR FRANCHISE, WITH A FIVE YEAR EXTENSION OPTION, TO RCN TELECOM SERVICES OF CALIFORNIA, INC. FOR USE OF THE PUBLIC RIGHTS OF WAY WITHIN THE CITY AND COUNTY OF SAN FRANCISCO TO PROVIDE CABLE SERVICES, CABLE INTERNET SERVICES AND OTHER SERVICES UPON PAYMENT OF FIVE PERCENT OF GROSS REVENUES TO THE CITY AND COUNTY OF SAN FRANCISCO.

- Commissioners' Comments
- Public Testimony
- Commissioners' Vote

**4) CALENDAR MATTERS**

**FOR DISCUSSION ONLY**

(There are no handouts associated with this item. This item was continued to the July 17, 2000 meeting from the June 26, 2000 meeting.)

- Cancellation of the Regular Monday, July 24, 2000 Commission meeting

- Commissioners' Comments
- Public Testimony

**5) GENERAL PUBLIC TESTIMONY**

**FOR DISCUSSION ONLY**

**6) ADJOURNMENT**

COMMUNICATIONS PAGE

COMMUNICATIONS RECEIVED JUNE 17 – JULY 13, 2000

COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS

1. Agenda for the July 17, 2000 Commission meeting.
2. Resolution 00-023.

COMMUNICATIONS RECEIVED FROM THE PUBLIC

1. Letter from Sue Levitin, AT&T, dated June 30, 2000, giving notice of a planned programming change of Pay-Per-View service currently carried only on the digital channel.
2. Invitation from the Geary Boulevard Merchants Association to their annual luncheon on August 8, 2000, entitled, "Wireless E-Commerce in the 21<sup>st</sup> Century."
3. Email from Leslie O'Brien, dated July 12, 2000, with an AT&T cable complaint and reply from Pablo Berroteran, AT&T, dated July 12, 2000, in response to the complaint.

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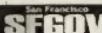
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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## MINUTES

MONDAY, JULY 17, 2000  
CITY HALL  
ROOM 263  
5:30 P.M.

### COMMISSIONERS

Ernest Jackson, President  
Bonnie Engel, Vice President  
David Ellington  
Jan Masaoka

Liza Lowery, Director  
DEPARTMENT OF TELECOMMUNICATIONS  
AND INFORMATION SERVICES (DTIS)

### Order of Business

#### 1. Call to Order and Roll Call

The special Commission meeting was called to order by President David Ellington at 5:40 P.M.

President Ellington called role call for the Commission.

Present: E. David Ellington, President

Ernest Jackson, Vice President

Bonnie Engel, Commissioner

Jan Masaoka, Commissioner

#### 2. New Business

##### a. Commissioner Officer Elections - President

- Commissioners' Nominations

President Ellington nominated Commissioner Jackson for President, seconded by Commissioner Masaoka.

- Commissioners' Comments: None.

- Public Testimony: None.



- Commissioners' Vote

#### Action Taken

The Commission elected Commissioner Jackson as President of the Telecommunications Commission for a one-year term with four ayes (Ellington, Jackson, Engel and Masaoka), none opposed.

#### **b. Commissioner Officer Elections - Vice President**

- Commissioners' Nominations

President Jackson nominated Commissioner Engel for Vice President, seconded by Commissioner Ellington.

- Commissioners' Comments: None.

- Public Testimony: None.

- Commissioners' Vote

#### Action Taken

The Commission elected Commissioner Engel as Vice President of the Telecommunications Commission for a one-year term with four ayes (Ellington, Jackson, Engel and Masaoka), none opposed.

#### **c. Special Hearing on Electronic (E) Government**

Liza Lowery, Executive Director, DTIS, began her presentation on e-Government (e-Gov) by informing the Commission that there are currently more than 100 e-Gov vendors in the marketplace. Ms. Lowery's PowerPoint presentation included an introduction of the e-Gov strategy group, developed through COIT and currently under the leadership of DTIS. This group is composed of Eva Bruce, Controllers Office, Rod Loucks, DTIS, Jay Banfield, Treasurers Office, Emilio Cruz, Office of Economic Development, Mary Fitzpatrick, Office of Administrative Services, Monique Zmuda, Department of Public Health, Billy Berry, Public Utilities Commission, and Deborah Vincent-James and Sandy Rosen, City's Committee on Information Technology (COIT.) In addition, Ms. Lowery discussed the definition, goals and mission, system requirements, policies and practices, and examples of e-Gov. Ms. Lowery posed four questions for discussion for the public hearing: What services would you like to receive? Are you willing to pay a convenience fee or extra charge for online services? How do you feel about commercial use and/or advertising on the City's website? Do you have concerns regarding use of information provided by you when receiving City services online?

- Commissioners' Comments

In response to Vice President Engel's questions, Ms. Lowery stated that the e-Gov strategy group has been meeting since the end of April/beginning of May, and that they hope to deliver a proposed strategy by the end of the summer.

In response to Commissioner Masaoka's question, Ms. Lowery stated that Rod Loucks is the Chair of the e-Gov strategy group.

Ms. Lowery responded to President Jackson's concern that there were no members of the Commission in the group by stating that it is currently meant to only be a working group, comprised of City managers. Ms. Lowery stated that recommendations would be brought forward as they progress, beginning with COIT and continuing with the Telecommunications Commission; tonight's meeting was to serve as an information gathering source for the group.

In response to Commissioner Ellington's question, Ms. Lowery stated that the Commissioners were welcome to attend and participate in the group.



In response to Commissioner Masaoka's question, Ms. Lowery stated that the group intended to work with all departments in the City, including public safety. She stated that the reason the group did not include representatives from all City departments was out of concern for the working group becoming too large.

Commissioner Masaoka stated that she felt there was perhaps a bias towards in-house work rather than outsourcing functions. Ms. Lowery stated that was absolutely not the case, but rather that after a strategy was developed, the City would conduct a competitive process to select vendor partners to help the City move forward to implement their e-Gov strategy.

Commissioner Ellington asked why there were no representatives from private sector businesses and/or non-profit organizations involved with the e-Gov strategy group. Ms. Lowery assured the Commission that the group would be speaking to a wide variety of organizations, and at this point, the group felt it was important to keep it at its current size in order to figure out what issues needed to be focused on and keep it operational.

In response to Vice President Engel's question, Ms. Lowery stated that this effort is separate from the Telecom Plan, but that the Telecom Plan will actually support this e-Gov effort.

In response to Commissioner Ellington's question, Ms. Lowery stated that she could report on this issue every month; Commissioner Masaoka suggested that it be included in the Director's Report.

- Public Hearing/Testimony

Jay Banfield, Assistant Treasurer, City and County of San Francisco (City), discussed new electronic transactions at the Treasurer's/Tax Collector's Office, including online renewal of business licenses and online filing of business tax statements. Mr. Banfield stated that there is a pilot project currently under way through a partnership with an outside vendor. The pilot project has participants from a variety of City departments that are working to online the following: sale of birth and death certificates, electrical plumbing and small building permits, annual renewal of business registrations, filing of business tax statements, and payment of property taxes and water bills.

In response to Commissioner Masaoka's question, Mr. Banfield stated that the City is currently looking at ways to make payment of taxes online more secure for citizens. When asked by Commissioner Masaoka what cities he felt were models or ahead of the curve, particularly on e-gov tax related issues, Mr. Banfield stated that he felt San Francisco was one of those cities.

Anne Jenkins, Director of Performance Management, City's Controllers Office, discussed the yearly survey that her office conducts to find out citizens' opinions on interacting with City services. Ms. Jenkins stated that in 1998 and 1999 their office worked with DTIS to develop questions on telecommunications. In the 1999 survey, they discovered that 2/3rds of the respondents had a PC at home, more than half of that group stated that they used this computer to reach the Internet, and about one third of the group accessing the Internet indicated that they were buying or selling goods on the Internet. Interest in e-Gov services included: paying parking tickets, buying MUNI passes, applying for City jobs, paying water bills and property taxes, applying for business licenses and building permits, buying dog licenses and residential parking permits, learning about the Board of Supervisors, contacting City staff, obtaining birth, death, property and fictitious business name records, and applying for drivers license, car registration and registration for schools (Ms. Jenkins noted that the later three services cannot be offered by the City.)

In response to President Jackson's question, Ms. Jenkins stated that the survey size was approximately 2,000 people, randomly selected by zip code, with an emphasis on areas that have been underrepresented in the past.

In response to Vice President Engel's question, Ms. Jenkins stated that they have put the survey online in the past, but the responses are not a random sampling.

Denise Brady, Deputy Director, DTIS, discussed information on the business sector that was conducted as part of the Telecom Plan through focus groups with the small business sector and one-on-one interviews with large businesses. Small business indicated that e-Gov could benefit them through permits and applications online that are required by the City, paying parking tickets, researching court documents, and the ability to submit electronic signatures. In general, they felt that performing more City services online would save them time and money, as well as help the City maintain its competitive edge in attracting and retaining businesses. Also mentioned was that



all City departments should have a web page that were uniform and updated regularly. Non-profits recommended having the application process for City funds and the reporting and monitoring requirements to be more uniform. Large business supported better communication methods and that the City provide strong data protection.

In response to Commissioner Masaoka's question, Ms. Brady stated that broadband was of concern to large businesses in regards to telecommuting.

Janice Ehrke, City's Central Purchasing Department, spoke on behalf of Ed Lee, Head of Purchasing. Ms. Ehrke reviewed the responsibilities of the Purchasing Department. Ms. Ehrke stated that vendors would like the City to be more active in the business to business exchange of information, including product updates, real time communication, easier introduction of new innovations, better and timely analytical data, market feedback, and more direct communication with decision makers. Purchasing currently has some major projects underway, most of which have been done in partnership with DTIS. These projects include: constant enhancement of their advanced purchasing inventory control system, a virtual contact form center for vendors to download compliance forms, which could be expanded into online contract formation, online ordering of products from accepted City vendors, introduction of a procurement card into online transactions, website design services through the reproduction division, and efficiency and customer service programs online which will eventually allow the public to measure the performance of City government.

Commissioner Masaoka encouraged City departments, as part of the "push" technology, to have a method for people to subscribe to upcoming City RFPs so they don't have to search for them online. Ms. Ehrke stated that they do now have RFPs published online. Commissioner Ellington stated that he agreed with Commissioner Masaoka.

Monique Zmuda, Chief Financial Officer, City's Department of Public Health, stated that the Department is currently undertaking a strategic one year plan which includes looking at how e-Gov can better serve their clients and vendors. There have been many comments from non-profits to facilitate and streamline the contract grant process. Their department is looking at how City funds can be applied for online, as well as invoicing and being paid. From advocates and patients, their department has heard comments about e-Health, such as members of the public being able to track their health records or contact their physician online. They have also heard from vendors and from staff about the need for electronic signatures and the ability to transfer funds electronically. Ms. Zmuda stated that the strategic plan recommendations would be available in September.

Freida Bryne, Director of Customer Service, Desktop Products, stated that one of their largest clients is the City. Ms. Bryne stated that it is much easier and more cost-effective to deal with the City, based on the improvement of the email system. Ms. Bryne suggested that web-based publishing sites, web-based applications (for example, e-payments) could further improve these processes. Other suggestions for better customer service from the City included "always there" information with 24/7 email with automatic responses, an "FAQ" (Frequently Asked Questions) area for departmental questions, and streamlined paperwork through Internet systems.

Maureen Titus, Director of Network Services, Ciber, stated that they have seen tremendous progress in doing business with the City over past eleven years; for instance, purchase orders that used to take three months to receive now take from one week to a month to receive. Ms. Titus stated that Cisco Systems saved \$1 billion dollars by automating the procurement process, and suggested that the City could experience that same kind of savings. Ms. Titus stated that it was also important to be paid quickly by the City; a 60-day process to receive payment is now down to about 40 days.

In response to questions from President Jackson and Vice President Engel, Ms. Lowery discussed the time line for these kinds of technologies and the uniformity of the City's websites.

Niels Erich, stated that he felt the City was off to a great start. For e-Gov, Mr. Erich agreed with online forms and documents, grants, RFPs, and further suggested having the City's contracting process, applying and monitoring the status of building permits, notification of street excavations, and tracking Sunshine ordinance compliance online. Mr. Erich stated that he preferred that there be no advertising on the City's site, but being realistic, he wasn't sure if that was feasible; he suggested that if business advertising were to be allowed, than political advertising couldn't be kept off the site.

Commissioner Ellington stated that he agreed with Mr. Erich's comments.



### 3. Old Business

#### a. RCN Cable Television Franchise Application Update

Ms. Brady gave a brief update on the RCN Cable Television Franchise application.

##### - Commissioners' Comments

In response to Vice President Engel's questions, Ms. Brady discussed that the City negotiated 7 PEG (Public, Education, Government) channels (vs. six from AT&T) from RCN because of the capacity of RCN's 860 MHz system. If AT&T were to move up to 860, the City would gain a seventh PEG channel. Ms. Brady also addressed the Commissioner's questions regarding the City's management of the PEG channels, digital equivalencies, the length (fifteen years) and extension (five years) of the franchise. Vice President Engel urged the City to increase the amount of revenue given to the PEG channels when renegotiating the contract.

##### - Public Testimony

Jim Gonzales, RCN, commented on the negotiations, briefly reviewed the terms of the contract and thanked the Department.

#### b. RCN Resolution, 00-023, Amendment to the Whole

(Note: this item was previously continued to the Call of the Chair at the June 26, 2000 meeting.)

URGING THE BOARD OF SUPERVISORS TO APPROVE THE PROPOSED FRANCHISE GRANTING A FIFTEEN YEAR FRANCHISE, WITH A FIVE YEAR EXTENSION OPTION, TO RCN TELECOM SERVICES OF CALIFORNIA, INC. FOR USE OF THE PUBLIC RIGHTS OF WAY WITHIN THE CITY AND COUNTY OF SAN FRANCISCO TO PROVIDE CABLE SERVICES AND OTHER SERVICES UPON PAYMENT OF FIVE PERCENT OF GROSS REVENUES TO THE CITY AND COUNTY OF SAN FRANCISCO.

The Department requested an amendment to the amendment to the whole, page 1, line 18, changing the July 10 date to May 15, deleting the phrase "Supervisors Leno and Yaki," and changing the word "Supervisors" to "Supervisor."

##### - Commissioners' Comments

President Jackson expressed concern about the phrase "protect consumers' interest and ensure that the City receives just compensation, to the extent allowed by applicable law, for high speed Internet." Ms. Brady responded that they would continue to work with RCN as to what regulatory rules apply, and in the process of sorting that out, ensure that consumer rights are protected.

Vice President Engel thanked RCN for the amount of conduit for the City and asked if there was a master plan for the fiber optic cables that AT&T and RCN are allowing to be placed along with their own networks. Ms. Lowery responded that use of those assets would be determined through the Telecom Plan.

##### - Public Testimony

Mr. Gonzales stated that RCN agreed with the amended resolution.

##### - Commissioners' Vote

#### Action Taken

Vice President Engel made a motion, seconded by Commissioner Ellington, that the Commission adopt the amendment to the amended resolution. The motion passed with four ayes (Jackson, Engel, Ellington, Masaoka), none opposed.



Action Taken

Commissioner Ellington made a motion, seconded by Vice President Engel, that the Commission adopt the amendment to the whole. The motion passed with four ayes (Jackson, Engel, Ellington, Masaoka), none opposed.

**4. Calendar Matters**

- Cancellation of the Regular Monday, July 24, 2000 Commission Meeting

The Commission canceled the meeting of July 24, 2000. There are two meetings scheduled for August: a special meeting on August 15 and the regular meeting on August 28, 2000.

- Commissioners' Comments

Commissioner Masaoka requested information to be presented at a Commission meeting on low-powered radios, sometime in the fall.

Commissioner Masaoka stated that she really appreciated the Department's report on e-Gov, and look forward to future updates on the subject. President Jackson concurred.

- Public Testimony: None.

**5. General Public Testimony****6. Adjournment**

President Jackson adjourned the meeting at approximately 7:36 p.m.

Respectfully submitted,

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Kim B. Weisman

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**Department of Telecommunications and Information Services  
City and County of San Francisco**

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## **NOTICE**

### **SPECIAL PUBLIC HEARING AND MEETING OF THE TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO**

**Tuesday, August 15, 2000, 5:30 PM**  
**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 263**

#### **AGENDA**

**There are no action items on this agenda.  
All items on this agenda are for discussion purposes only.**

**The Commission respectively requests that all cell phones and  
pagers are turned off during the duration of the meeting.**

**1) CALL TO ORDER AND ROLL CALL**

Ernest Jackson, President  
Bonnie Engel, Vice President  
Commissioner E. David Ellington  
Commissioner Jan Masaoka

**2) COMMUNICATIONS**

**FOR DISCUSSION ONLY**

(Documents associated with this item are described at the end of this agenda. These documents are available for public review by contacting the Telecommunications Commission at the address or phone number listed at the end of the agenda.)

- Commissioners' Comments
- Public Testimony

**3) TELECOMMUNICATIONS PLAN**

**FOR DISCUSSION ONLY**

(The handouts associated with this item are minutes from the five public participation meetings and draft Telecom Plan recommendations from the Department.)

- Brief Overview of the Public Participation Process for the Telecommunications Plan development and possible recommendations.



- Commissioners' Comments

[Please note: the purpose of this public hearing is to gain public feedback on various potential objectives and related actions being considered by the Commission for inclusion in the City's Telecom Plan. The Commission would appreciate speakers limiting their comments specific to these issues.]

- Public Hearing/Testimony

**4) GENERAL PUBLIC TESTIMONY**

**FOR DISCUSSION ONLY**

**5) ADJOURNMENT**



**COMMUNICATIONS PAGE**

**COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS**

1. Agenda for the August 15, 2000 special Commission meeting.
2. Copy of the minutes from the Telecom Plan's public participation meetings.
3. Copy of the draft recommendations for the Telecom Plan.



**Please Note:**

- Special Announcement: The public can view this Telecommunications Commission meeting live on the web through videotreaming. To see the meeting online, visit [www.sfgov.org](http://www.sfgov.org) and click on the "Watch Citywatch Cable TV online" link at the start time of the meeting.
- Special Announcement: This meeting will be available after 8/15/00, for approximately one month, on the web through video on demand. You can access the video by visiting the Commission's website at [www.sfgov.org/Telecommunications\\_Commission](http://www.sfgov.org/Telecommunications_Commission); a link will be listed on the home page.
- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@cl.sf.ca.us](mailto:Telecommunications_Commission@cl.sf.ca.us).
- Correspondence should be received no later than 5:00 p.m. ten (10) days (normally a Friday) prior to the scheduled Telecommunications Commission meeting in order to be listed on the Communications section of the upcoming agenda. All correspondence s received after this date will be listed on future agendas.
- Communications to the Commission may be viewed upon request to Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 10-cent per page charge for photocopying communications documents at DTIS, payable at the time of service.
- Agenda packets items, as noted on the Communications page, are available for public review on the Commission's web site (see address above), the San Francisco Main Public Library, 5<sup>th</sup> Floor, Government Documents Section or by contacting Commission Secretary Kim Weisman, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 5-cent per page charge for photocopying applicable Commission documents at DTIS, payable at the time of service.

**Commission Information:**

- The Telecommunications Commission meets at 5:30 pm, City Hall, Room 400, on the fourth Monday of every month, unless otherwise noted. This schedule is subject to change.
- For information related to Telecommunications Commission matters, please phone 415/554-4443 or email [Telecommunications\\_Commission@cl.sf.ca.us](mailto:Telecommunications_Commission@cl.sf.ca.us).
- The Telecommunications Commission web site address is [www.sfgov.org/telecommunications\\_Commission](http://www.sfgov.org/telecommunications_Commission).



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Please make your request for reasonable accommodations at least 72 hours in advance of any public meeting or hearing.



Minutes from DTIS Outreach Meeting  
Service Providers  
June 15, 2000

On Thursday, June 15<sup>th</sup>, 2000, results of market research studies conducted by DTIS with Residents, Small Businesses, Large Businesses, and Telecom Service Providers were presented to the Service Providers. There were 29 attendees to this meeting. Companies represented included (in alphabetical order) AT&T, Cellular One, ICG, Lucent, MFN, Nextlink, Pacific Bell. Attendees also included individuals from the San Francisco Public Utilities Commission, Department of Telecommunications and Information Services, Pendergast & Associates as well as Solem & Associates.

In preparation for this meeting, Pendergast & Associates outreached to over 100 individuals using databases from DTIS, SF-DPW and Pendergast & Associates. Invitees were sent invitations and briefing materials by e-mail, fax, mail. Phone calls were made in advance of the meeting to answer questions and secure attendance.

The meeting was held at The Renaissance Entrepreneur Center located at 275 Fifth Street in San Francisco. Claudia Viek, Executive Director, made introductory remarks regarding the mission of the Renaissance Center.

Denise Brady, Deputy Director, DTIS gave an introduction of the purpose of the Telecommunications Plan, the role of DTIS, and their purpose in supporting the City's Telecommunications Commission and City Hall with respect to future public policies.

Ms. Brady explained that last year, DTIS conducted a Residential Survey, a Service Provider Survey, One-on-one interviews with large San Francisco-based corporations, and 13 small business focus groups. The findings were summarized and categorized into 4 classifications: Residential, Small Business, Large Business, and Service Providers. The attendees were asked to help update the survey findings by either confirming or denying each of the respective findings. The findings of these surveys as well as the Telecommunications Plan will be presented to the Telecommunications Commission to the Board of Supervisors and the Mayor in the Fall of 2000.

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### Residential Survey

The Service Providers had few comments on the Residential Survey findings. They were not able to confirm or deny that the "digital divide" was not based on race but on income, age and disability. There was a general consensus that the public was satisfied with their services and the cost for service. There was no comment to the finding that the public wanted more Internet access through public libraries and schools, other than to say that the public should not be able to access the school computers except the students.

Pacific Bell mentioned that it has educational programs that give substantial discounts to schools and libraries for Internet access. The public facilities that participate in the programs enjoy substantially reduced rates. An example is the special E-Rate that cost only \$18 per month for T-1 service. Pacific Bell said that it would continue to offer these programs to public facilities.

On the findings that the use of PCs was based on age, and in response to the question as to how we can get the elderly to use the Internet more, a Nextel representative summed up the general sentiment in the room by posing the question as to "do they (the elderly) really want to access the Internet?" It was not certain that the elderly want more Internet access.

The comment was that nowadays, people with low income seem to be able to afford the \$30 per month cable service fee. AT&T commented that the set top box is in the early stage of prototype and we have not seen the range of applications that will (eventually) be available through the use of this product to access the Internet.

Cable seems to be an early tool especially for seniors to access the Internet. Cable presents a unique opportunity that will help increase Internet access. Seniors are unknown demographics to the telecommunications companies. They are much more extensive users (of cable) than other groups. Ms. Brady confirmed that DTIS was interested in finding other alternatives or tools, in addition to cable, to encourage Internet access. AT&T mentioned that it has a report on this issue even though it may not have data on disabled. AT&T confirmed that it would send a copy of the report to DTIS as a supplemental and update to this Plan.



### Small Business Focus Groups

There was a question on what is the definition of small business as used in the surveys. SBA's definition is a company with less than 500 employees. However, for the purpose of this survey, the definition of was refined to companies with less than 25 employees, which is the same definition used by the Small Business Network, a network of 21 small business organizations in San Francisco.

In response to the survey findings that small business perceived the deployment of advanced technologies as slow, Pacific Bell indicated that two years ago, only 10% of the residents ordered ISDN even though it was readily available. There was very little use of ISDN at that time. Now, two years later, the Internet is much more popular and when DSL became available, they (Pac Bell) cannot keep up with the orders.

The backlog of servicing DSL orders is due to port capacity and infrastructure. Even though DSL is, in essence, available in all homes throughout the City, not all of them can have DSL lines. There is still the 3-½ miles restriction; port capacity is another issue that needs to be dealt with. San Francisco has approximately 330,000 homes and only 80% will have access to DSL. Availability also depends on the fiber optic wiring that is the groundwork for the DSL lines.

Another concern expressed by the DSL service providers was that even though DSL is available, the length of time to install DSL depends on a number of factors. If the request is closer to the central office, it will only take about 3-7 days. However, if the request is located 17,000 feet out, the company will need to wire the lines in order to ensure that the customer receives a strong signal.

Small businesses expressed concerns that it is difficult to stay on top of technology. Even though there is extensive information on various websites, most of them do not have Internet access in order to access the information. Depending on where the business is at in the technology curve, many do not feel comfortable using the technology because there are so many alternatives available. The suggestion was for the City to provide the support necessary, or to serve as a clearinghouse to explain the benefits of the different types of technology available. If the businesses have Internet access, there are websites that compare services and costs of each provider. It is a challenge to outreach to the small business community.

DTIS expressed the concerns of small business about the quantity of "street furniture" when so many service providers are trying to install boxes on the streets. A few companies have already requested a few thousand boxes on the side streets from the City. The neighborhoods do not like them and DTIS is seeking ideas on how to deal with this issue. Pacific Bell commented that it has been working with the churches and neighborhood communities to install the boxes in their facilities instead of on the side streets. The response has been quite well taken.



Nextlink felt there were problems in trenching. There are many complaints from the residents about digging up the streets; and this is difficult problem to solve. The City is doing a good job with the ROW regulations. However, Cellular One pointed out that it is important to make arrangements with groups to make the trenching work easier. Another suggestion was that since the City is currently opening up a lot of streets for PG&E, it would be easier to do the trenching at the same time without having to open up the streets again at a later date. Ms. Brady indicated that the City would like to do that, however, the City would need money to start these other projects at the same time and it is difficult for allocate money for passive projects.

Department of Public Works suggested that there should be a joint bureau meeting similar to the multiple PG&E projects. He threw out the idea of creating a joint ownership agreement where there would be joint ownership of the physical conduits; common laterals on the properties with one conduit. This suggestion was for discussion purpose only and the City is not currently thinking in this area yet.

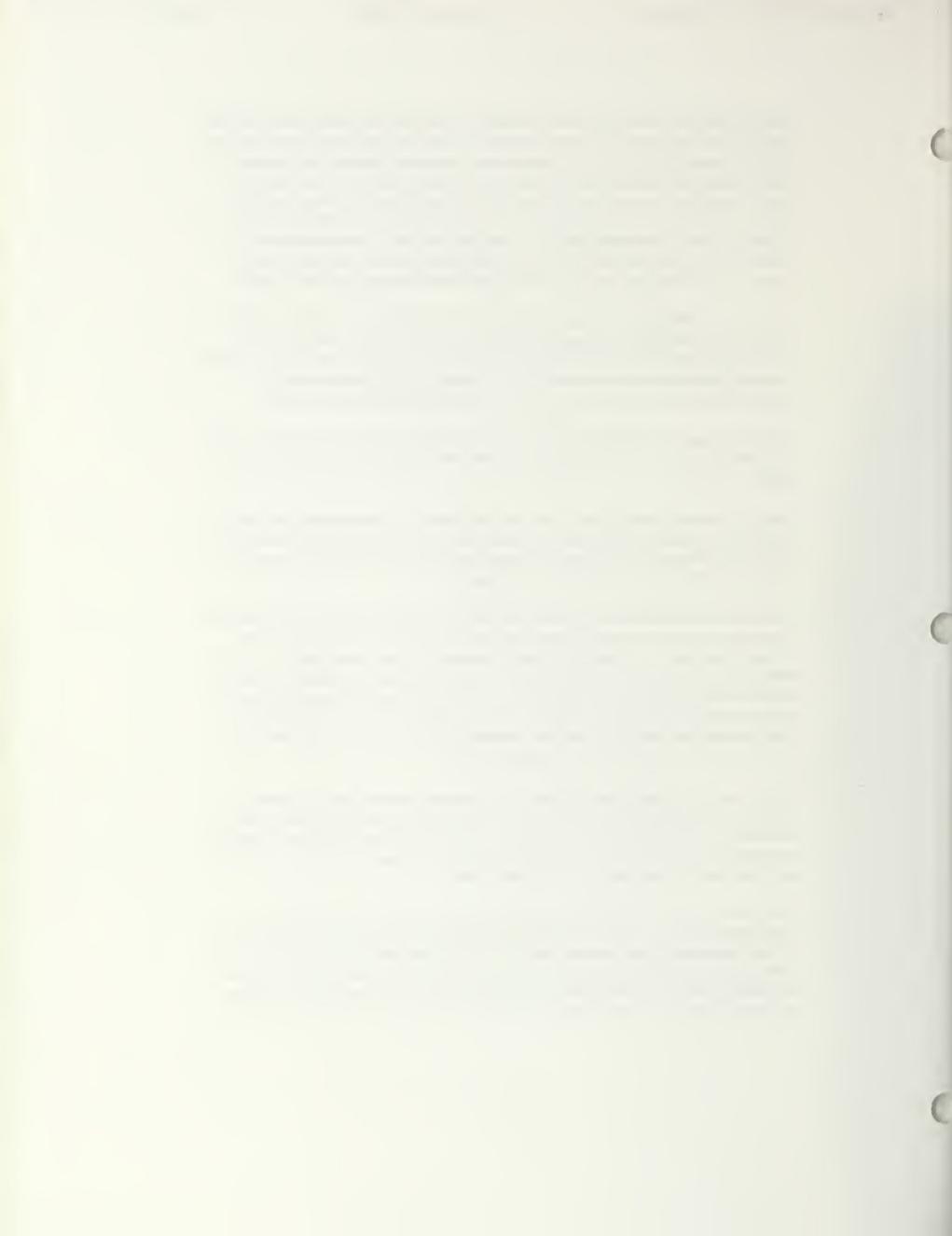
Pacific Bell said it would be similar to telephone wiring where all companies use the infrastructure provided by Pacific Bell and they would still be able to provide long distance service.

Another alternative raised was to have conduit control by a maintenance company and the equity divided among the service providers. The City would then only need to open up the streets once. The general consensus was to have additional meetings to discuss this issue and to explore other alternatives.

In response to the question of whether the companies only compete in niche markets, Nextlink commented that many companies spend millions of dollars to build the infrastructure and try to blanket the whole community. Even though there is a lot of competition, they are not worried about it. They are constantly looking to extend their services. There are, however, exceptions. For example, Cricket Communications is only interested in residential services. When a company finds a niche market, then that is where they would go. Another example is RCN. In summation, companies react to needs and provide services to those needs.

On the issue of whether prices will fall with increased competition, the general opinion was that prices have decreased. The cost of DSL was given as an example of the market driving down prices. The market is also driving the technology. It was not deregulation that was driving down the price, but marketing. However, we need to have deregulation first, before there is competition.

In response to how the City could better serve their needs, the service providers commented that they would like a fast track permit system where they would be able to track the status of their permits. Suggestions included the City putting more of the forms on-line to streamline the process. Their understanding was that many permits are misfiled and cannot be located. In response, DTIS commented that it was their understanding that the current permit process is automated and on-line except some



large projects. However, permits may get "kicked out" if there are already other permits approved for the same block. A suggestion was raised to notify the service provider where the permit process is so that they can take the necessary steps.

Another reason to the backlog was that there might be just too many activities in progress. A suggestion was for the City departments to have an open house and to create a dialogue to determine how the City can work with the service providers to expedite the permit process.

In response to the question of how DTIS and the City can create incentives for the service providers to provide more services to the disadvantaged and the youths, Nextlink posed the question of whether these groups wanted the service. They raised the possibility that maybe these communities don't want the services. Pacific Bell commented that there are many organizations or groups that provide outreach programs to these communities, and suggested that the service providers partner with these organizations or groups to provide training and communicate to these groups what is available and to provide support.

In response to the finding that even though many small businesses use wireless, many do not believe that it is reliable, Cellular One commented that the unreliability is due to signals; whereas 18 months ago, the problem was coverage. In Year 2000, the issue is capacity and more sites are needed to service the growing need. The providers agreed that San Francisco is the most advanced in having wireless services; yet, there are still problems in San Francisco.

There was little response to the issues of customer service and billings.

#### **Large Business Survey**

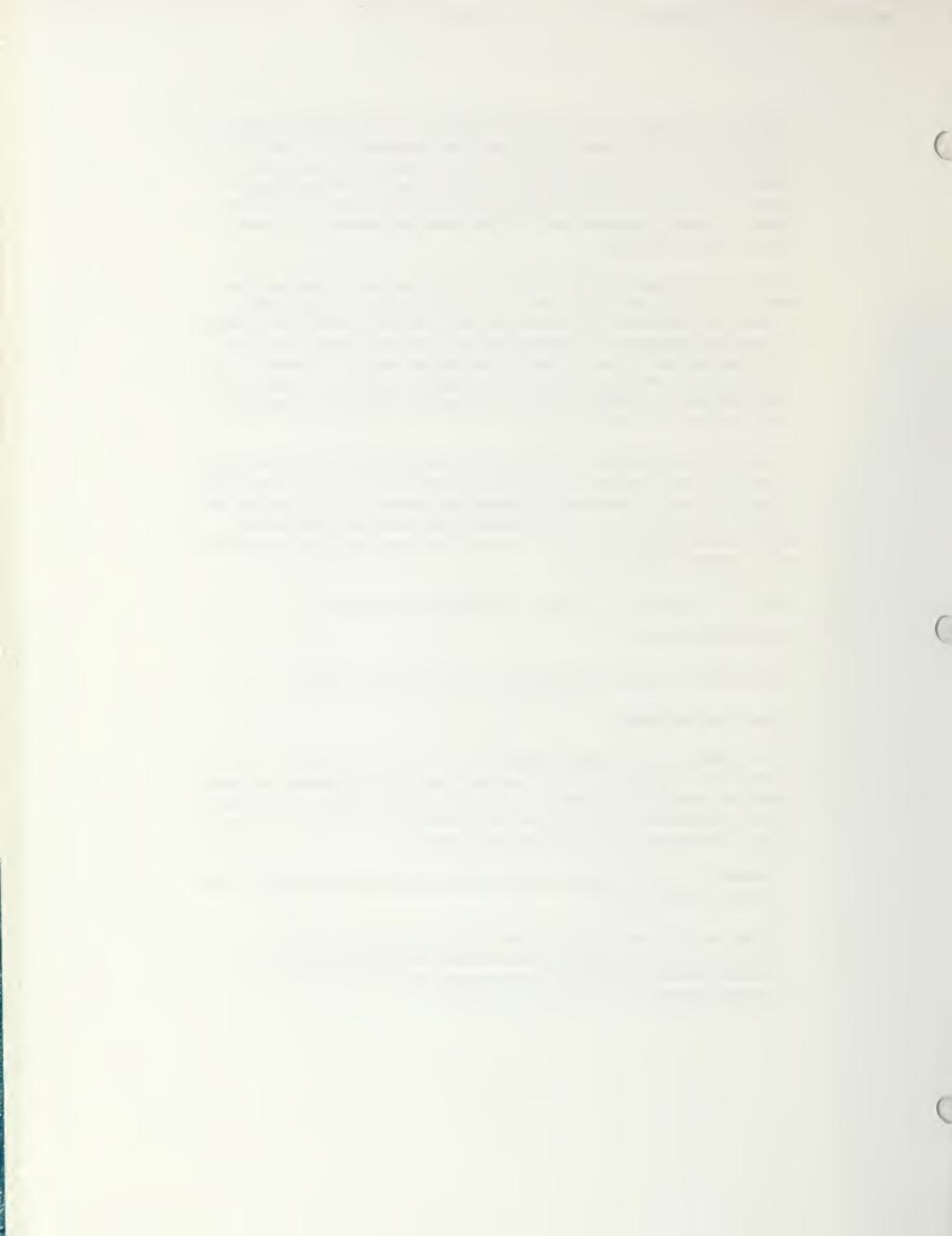
There was little comment on the findings from the large business survey.

#### **Service Providers Survey**

The key findings of the Service Providers' Survey, which was conducted by DTIS in December 1998, were passed out for review and comments. The attendees were asked whether the survey's findings remained true today, and if not, why not. Lucent asked whether high-speed broadband businesses were included in the survey and the answer was yes. Comments to the Plan today are for the future.

1. Residents have limited choices of voice, high-speed data and multi-channel video services in San Francisco.

At the time of the survey, San Francisco may have needed more conduit; however, today DSL availability is not an issue, cable modems are becoming more available and Pacific Bell is now providing video services. There is increased competition to provide these services.



2. Video represents the only service of the three where some choice is available.

This is not true. There are more choices available today. For example, Covad, Rhythm, and AT&T are providing data services. Pacific Bell is providing wireless video services through satellite. TCI does not exist anymore.

3. Direct broadcast satellite service from companies such as Direct TV offer a relatively competitive offering compared to the incumbent cable television operator, particularly in areas of the City where the local television stations can be received clearly with an antenna.

This is no longer an issue due to changes in the market conditions.

4. Voice and high-speed data may become competitive services in the future if TCI rebuilds its network and if RCN enters the San Francisco market.

True (Comment, TCI no longer exists.)

5. Depending on their location in the City, businesses and not-for-profit institutions with large and medium size telecommunications needs have a choice of providers.

True.

6. San Francisco has one of the most competitive markets for advanced telecom services. In addition to Pacific Bell, there are at least eight wireless facilities-based carriers operating in this market. All of these will serve the large and medium sized business users.

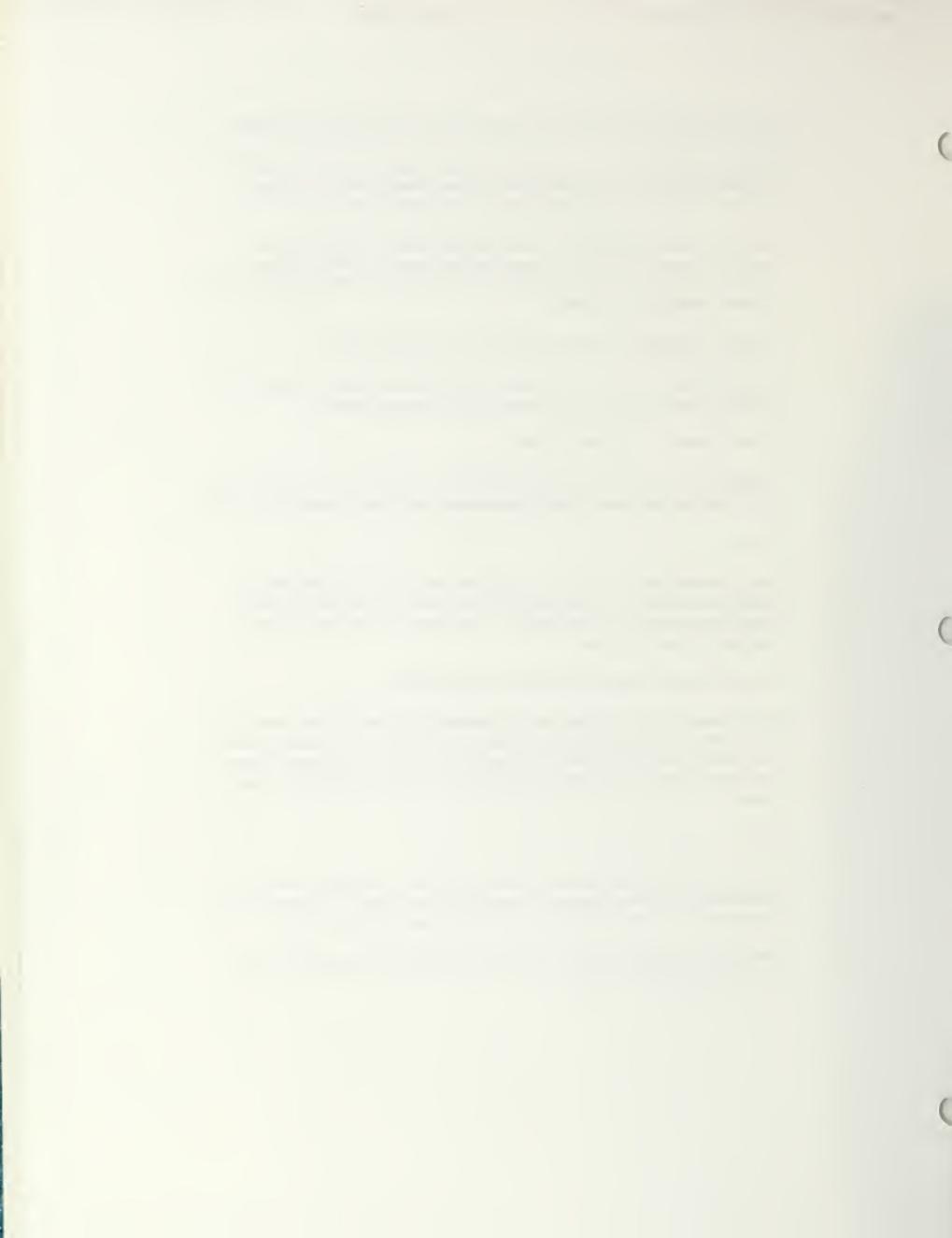
True, and many providers service small businesses also.

7. Service areas for new providers are concentrated in the competition center of the City. Service beyond this area is less likely, unless the user has extremely high service demands. Smaller users of telecom services located in the service areas of the new companies will benefit from being in the "network wake" of the major users.

True.

8. Small and medium size businesses located outside the competition center may benefit from recent developments in wireless delivery systems. However, these businesses do not have choices of wireless telecommunications services.

Pacific Bell disagrees and reports that more companies are beginning to offer Internet access and voice mail.



9. Competition to serve the voice and data needs of larger businesses will continue to grow where the new carriers can access the customers using their own networks, or where they can reach the customers using a combination of their networks and Pacific Bell's local facilities.

True.

10. Competition for small businesses will be slower to develop and competition in the residential market may not develop in a meaningful way at all over the next three years.

False. AT&T is approximately 15 months out from having the majority of the City covered and RCN is 8 years away.

11. Analysts believe the consolidation that is taking place in the telecom market makes it less likely that new companies will be entering the market; more likely, there will be new service types provided by existing companies.

True.

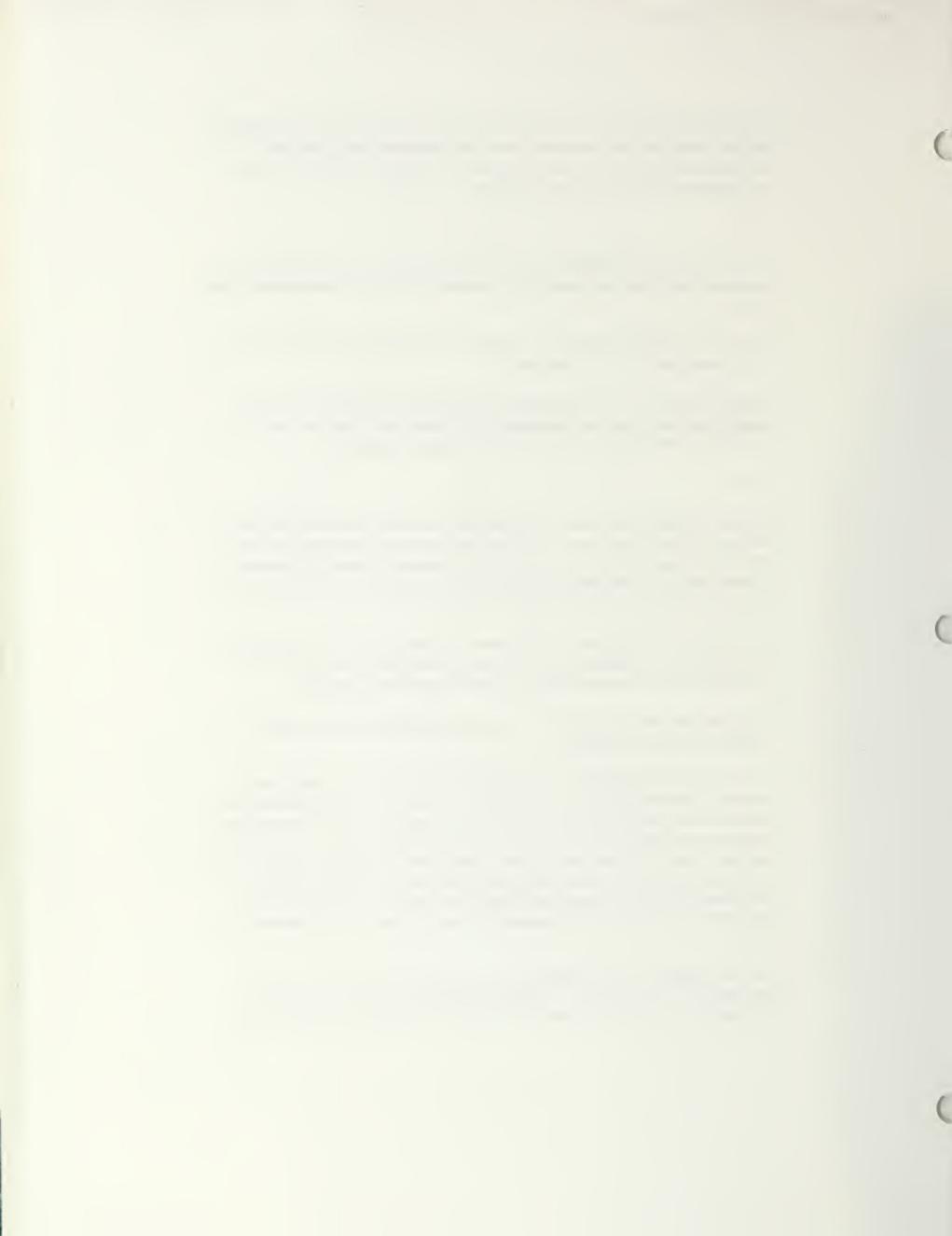
12. Because of quality of its market (high demand in a concentrated area, backed by area capital), San Francisco is well placed to receive early advanced services. Market entry can be affected, however, by the expense of installing facilities (SF is considered expensive) and whether the local government and/or community are not open to allowing in new infrastructure types.

True. The City is well placed with advanced technologies. When asked whether San Francisco is considered a wired city and whether San Francisco is still a target market for service providers, the resounding answer was YES.

13. Telephony over the Internet will not impact on the San Francisco telephone market for three years or more.

True. However this depends on how well the service providers educate their business customers. This use will eventually trickle down to the residential users. Cost of bandwidth and quality of service remain issues currently. We are still in phase one with the IP. IP voice will probably be phase two. There is no impact in the short term. It will take another three years to have any impact. People still do not understand what IP voice is all about? It will be a niche market for large businesses with multiple locations. Currently, the quality of service for IP and video are poor because of broadband and equipment issues. Also, the costs are high.

14. Several companies currently offer Digital Subscriber Line (DSL), a high-speed data service, in San Francisco, including Pacific Bell, Rhythm, Covad and Northpoint. The 1998 survey states that, of these companies, only Pacific Bell

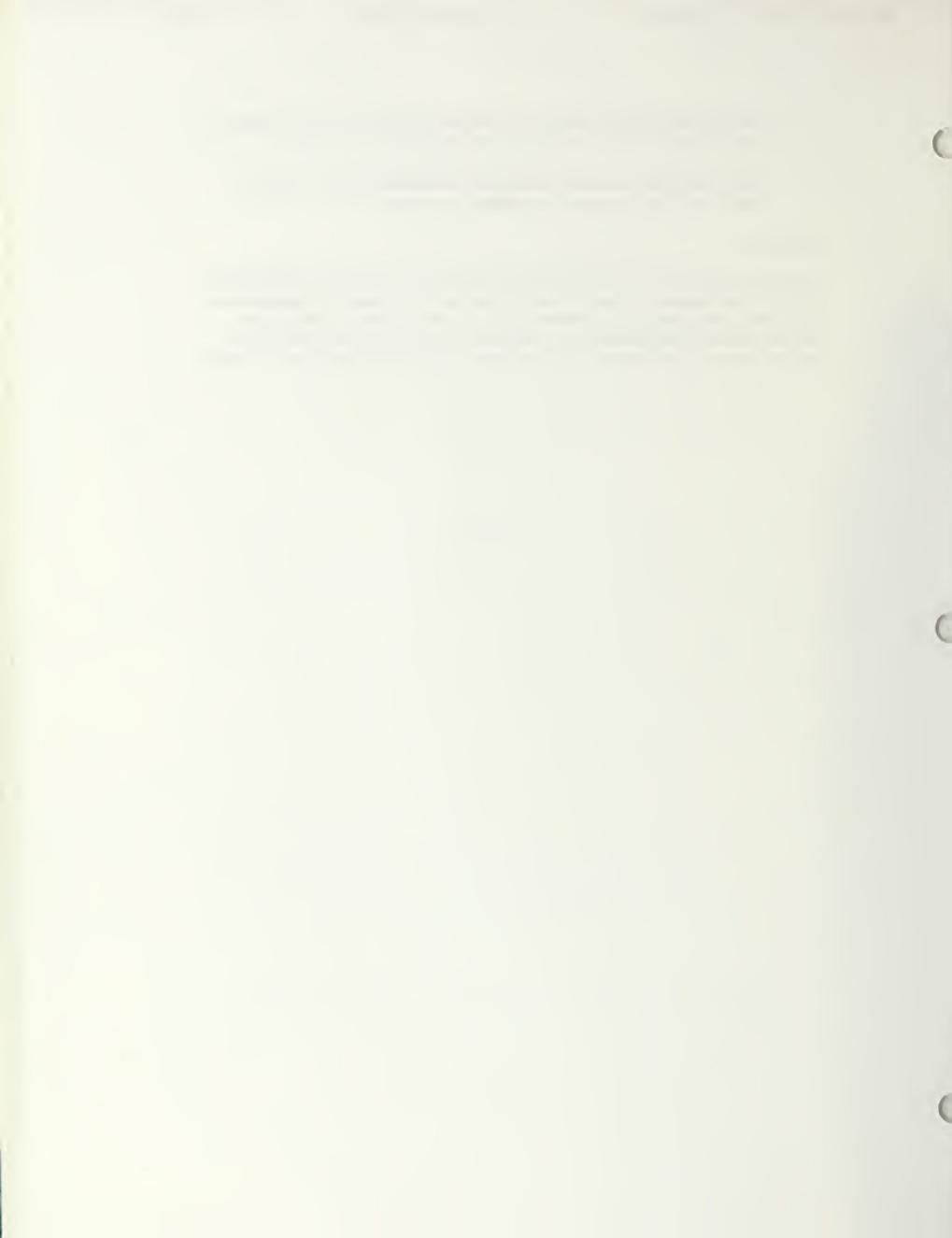


has identified the residential market as a target. However, several of the other companies now currently offer DSL in residential areas.

False. Covad and Northpoint are targeting the residential market. AT&T is offering cable modem service to residential market also.

Conclusion

The participants to this presentation included marketing and sales people, public affairs executives and engineers. Some of the service providers were absent. The consensus was to develop a more open dialogue between DTIS and other City departments and the service providers to facilitate the rapid deployment of telecommunications services to San Francisco while minimizing the inconvenience of the City's residents and businesses.



Minutes from DTIS Outreach MeetingLocal CarriersJuly 13, 2000

Neils Erich, Chair of the Telecommunications Taskforce at SPUR, gave opening remarks and provided a historical perspective on the genesis of the DTIS and the development of the City's Telecommunications Plan. This was a one-hour meeting held at the SPUR office beginning at 12:30 PM.

The findings from the 1998-1999 DTIS Survey were presented to the attendees. After explaining how the surveys were conducted, the attendees were asked to provide their comments and to help update the findings.

The findings were categorized into 5 general subject areas:

1. Access and Availability
2. Consumer Education
3. Customer Service and Billing
4. ROW Disruptions
5. Role of San Francisco in terms of E-Government.

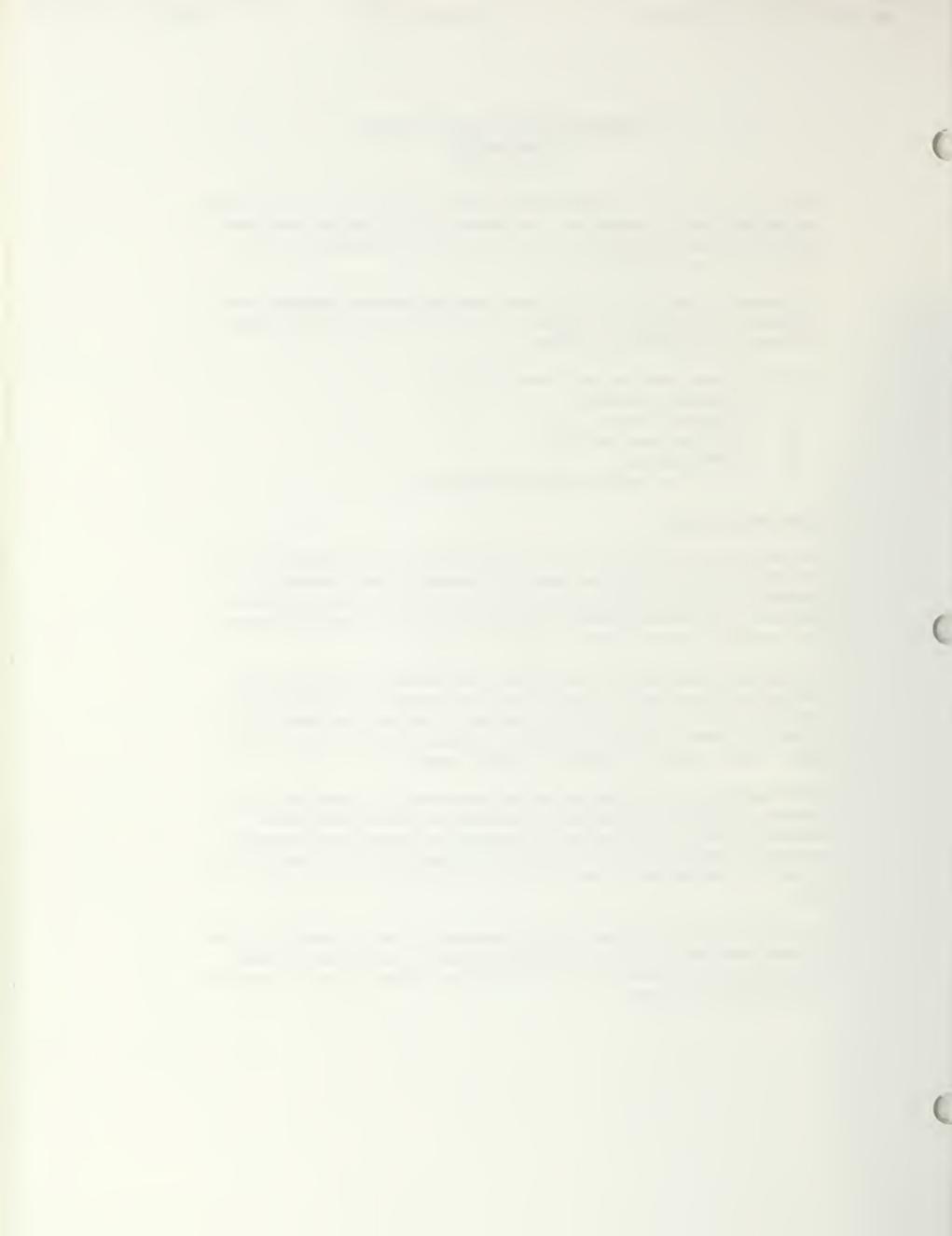
Access and Availability

The first comment was that most of the resources available in the community have been provided by the staff of government agencies and nonprofit groups. For example, the nonprofits will provide training to seniors to help them learn about telecommunications and how to use the Internet. However, they often use borrowed or donated equipment that is usually old, and they operate on a shoestring budget.

One attendee protested that there were too many antenna dishes on the rooftops in the residential areas, and that the City should study their health effects on people before allowing companies to place them onto the rooftops. A suggestion was made for the City to provide co-location facilities to consolidate the antenna dish placements for health, safety, esthetics, planning, coordination, and other reasons.

A representative from a real estate and property management firm commented that both prospective landlords and tenants want their buildings to be wired. Electrical and telecommunications wirings were major priorities for any commercial buildings under renovation or construction. From the developer's perspective, it is only a matter of doing the wiring. Since the costs are not very high, wiring the buildings is not an issue for them.

An owner of residential apartment buildings commented that they wanted larger pipes for open access because the telecommunications industry was moving so fast that the current technology, including DSL, is only a transitional technology soon to be replaced by fiber optics in a few years.



When asked whether they, the developers and landlords, would like to have a choice of having competitors wire their buildings, one response was yes, but he would not want to make the choice for the tenants. They want to have the choice of wiring available; similar to what is currently available for electric and telephone services where the tenant has a choice of which service provider to use for their telecommunication needs.

Some of the attendees expressed their concerns that the City's perceived granting of exclusive franchises for cable would affect the quality and range of service to the customers.

An attendee commented that he recently took a computer course at City College in San Francisco and the students did not have enough networked computers to use because the building did not have proper wiring necessary to accommodate the increased number of computers. This was an example of how an older building had insufficient wiring to keep pace with the changing needs of business, education and society. As a result, the quality of the education suffered.

#### Consumer Education

The attendees were asked whether the industry provides sufficient information to help consumers make informed choices. They were also asked how the City could assist citizens to become more informed consumers.

One comment was that over the years inaction by the City helped to create this information vacuum. Another comment was that once the telecommunications plan was in place, it would be easier to determine whether the consumers have sufficient information to make choices.

There was comment on the bundling of services by the service providers. While bundled service may have an attractive price, there are some potential problems - the consumer will need to sign a commitment for 2-3 years, not all the services bundled will be the best, and the technology may change within a year's time. In addition, a competitor may offer a better price or a more attractive technology for one of the services being bundled. There was a general consensus on the need to educate the public on these issues. One suggestion was for the City to have better control over the whole issue, perhaps using the permit process to include education of consumers.

Another comment was that since the people of San Francisco have such diverse needs, it is extremely difficult for the City to play any role at all. However, when it comes to IT installation, the City can play a role by having service level agreements with the service providers. Since the consumer does not have such agreements, it is important to educate the consumers on their choices. Many of the attendees acknowledged that the City is doing the best job that it can to address the needs of its citizens, especially in the current environment where federal and state laws may be pre-empting the City's ability to regulate. It is very confusing.



One suggestion was that the City should work with the nonprofit organizations to educate the consumers on how they can make educated choices and, in essence, to teach them "what they don't know they don't know" about telecommunications.

One attendee stated that the telecommunications industry does not currently provide this type of information to consumers. One of the roles the City can play to educate the consumer is to have Internet links with the service providers and consumer rating and report card sites.

#### Customer Service and Billing

One participant stated that customer service for the telephone industry was better than for the cable industry. However, also said that cable service was improving since AT&T acquired TCI. When questioned about billing, one comment was that whenever he had a problem, he would complain to customer service. (Comment: only one of the attendees expressed problems with telephone customer service and billing. This may be more of a problem for individuals and small business owners as opposed to businesses with larger accounts with the phone companies.)

#### ROW Disruptions

The attendees were asked to comment on ROW disruptions from telecommunications companies doing a lot of street excavations. The question was whether it was worth the headache to lay down the cables one-time in exchange for state-of-the-art systems? The comment was that it seems the streets are always being torn open. However, the general feeling was that it was okay to open up the streets one-time to put in the communications facilities. The City should coordinate the service providers' efforts and to also put as many utility boxes underground as possible.

One comment was that the telecommunications industry was moving so rapidly that it might be a waste to spend so much money on a technology that may become obsolete soon with the development of wireless technology. This was expressed as a word of caution to the City on how it dealt with the ROW disruption issues and public deployment. The City needs to find a balance between the desires of the service providers and the needs of its citizens.

#### E-government

The attendees were invited to attend a DTIS Commission Hearing on E-Government on Monday, July 17, 2000 at City Hall, beginning at 5:30 PM. The purpose of the hearing is to learn what the public thinks about the City using the Internet to process licensing, property taxes and permits. The City currently has some transactional businesses on-line and is seeking public input on other products and services they are seeking to have on-line. Denise explained that although the Internet is a convenient way for some people to contact City Hall, the City would continue to outreach to its diverse constituents using more traditional means of outreach.

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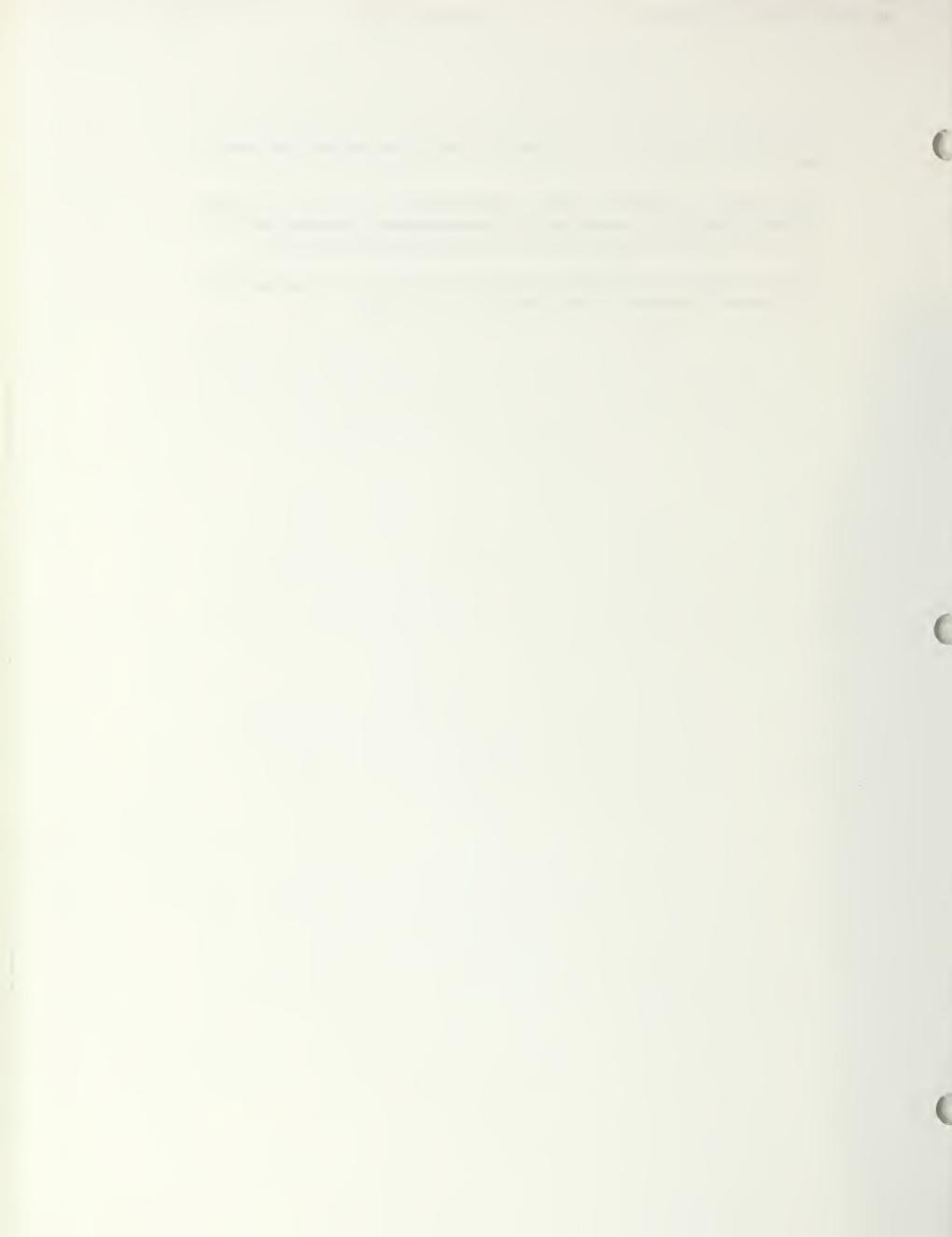
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[Per Denise's comments, missing responses about wanting e-gov services, permits online, etc.]

The attendees were informed that DTIS is working diligently to complete the master plan and that the results will be presented to the Telecommunications Commission on August 15<sup>th</sup> at the San Francisco Board of Supervisors Chambers beginning at 5:30 PM.

The session ended at 1:30 PM, after which Denise provided an update on the status of the RCN Franchise Agreement with the City and the 9<sup>th</sup> Circuit Ruling.



**Minutes from DTIS Outreach Meeting**  
**Economically Challenged and Homeless Communities**  
**July 20, 2000**

The DTIS Outreach Meeting for the Economically Challenged and the Homeless was held at City Hall, Room 263, on July 20<sup>th</sup>, 2000. Representatives from the Coalition on Homelessness and the City College of San Francisco, Southeast Campus were in attendance. Ms. Bonnie Engle, representing the San Francisco Telecommunications Commission, was in attendance. Ms. Engle is Vice President of the Telecommunications Commission.

Denise Brady, Deputy Director of DTIS, gave a brief summary of the purpose and status of the City's strategic telecommunications plan to date, including DTIS' surveys and outreach efforts to key stakeholders in the City and County of San Francisco. The purpose of this session was to learn about the telecommunications needs of the economically challenged and the homeless.

**Access and Availability**

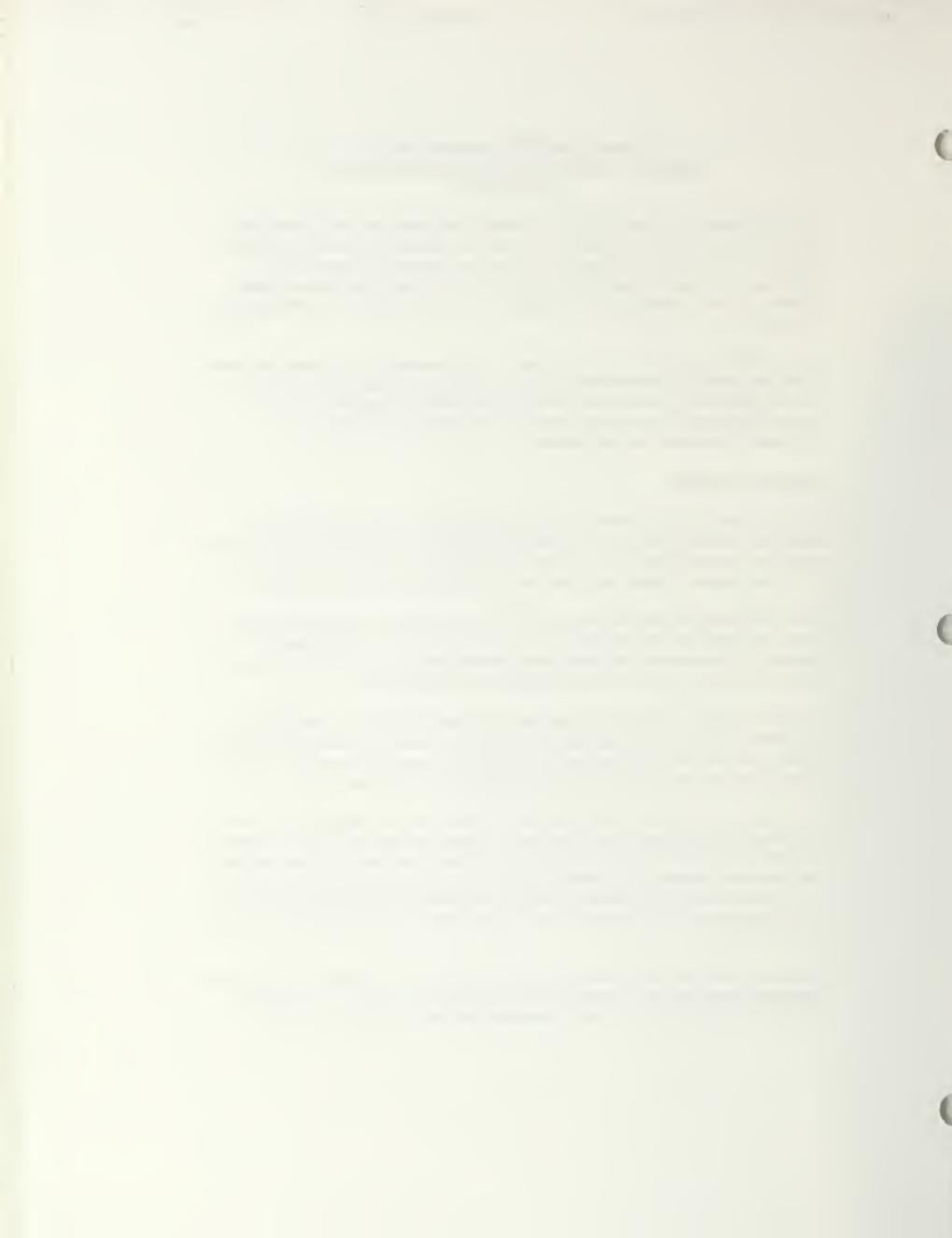
Pay phones are the primary means of telecommunications for this group. However, making long-distance calls was a problem because some of the pay phones required exact change or a pre-paid phone card. The burden is often placed on their loved ones to pay for the long-distance charges through collect calls, which they often cannot afford.

Some of the homeless had pre-paid phone cards, but many did not because of the cost. Phone cards often have hidden costs such as connection fees. Given their limited resources, the participants maintained that as homeless and very low-income consumers what little money they had was used to take care of their basic needs.

One of the common complaints was that there is no way to receive in-coming calls on pay phones. This was a major problem for people who did not have their own telephone service, especially when they were seeking a job and the prospective employer needed to get a hold of them, or when their loved ones wanted to call them back.

For people who do not have a telephone, the Coalition On Homelessness (COH) has one free phone for people to use to make local calls. Other agencies, such as the Tenderloin Self-Help Clinic, also have telephones for the homeless to use. However, they must stay near the phone to receive any in-coming calls. There are a lot of people using the phone. Long-distance calls are not permitted except in very limited family emergencies. This service is very rare in the community due to limited funds. COH did not have this service until two years ago.

Many of the homeless use the Internet to access information and messages. They use the Internet service at the Main Library or at other public library locations. However, they must often wait in long lines to use the computers; the use is limited to 30-minute



increments; and is only available during regular library hours. There was a general consensus that the Internet could improve their lives and help them in many ways.

One comment was that "the government spent so much money to make sure people have access to the Internet and yet, they do not spend enough money to have more computers."

One of the suggestions on how to provide telephone access to the homeless or under-employed was for the City to set up centers with telephones and desks that people can use to find jobs. The general comment was that they did not want to be homeless, but that some misfortunes made them homeless and they now needed the basic tools to become self-sufficient again. Telephone access to help with the job search would be a start. One participant stressed, and others concurred, that such a center should be publicly run, rather than operated by a non-profit in order to avoid discrimination against certain clients. They also needed a support system to help them transition into a full member of society.

Voice mail provides a fixed number where prospective employers, landlords, healthcare providers and others can reach homeless people without having a telephone. One comment was that in Minneapolis, Minnesota that provided voice mail to the homeless for 90 days so that they can receive messages from prospective employers, landlords and others. The South Beach Drop-In Center has limited voice mail available, but it is currently full. Access to voice mail requires access to a telephone, so that many of the barriers to telephone access would inhibit use of voice mail.

People with telephone service spoke highly of the Universal Lifeline Telephone Service Program offered by the State of California through Pacific Bell. However, even though the local service cost was low, the local toll charges were too expensive for them.

Isolation is a major problem for people in this economic group due to a lack of access to information through television, telephone, etc. The participants believed the key is for the City to assist them in gaining access to basic communication services, such as telephone, e-mail, television and radio. These services will then help to connect them with their communities and neighborhoods.

One of the comments was that people who stayed with friends often did not have telephone access because they either did not want to impose the additional cost on their friends or their friends would not allow them to use the telephone. He agreed that it would be a good idea to have phone and message centers to provide them with the access.

The general consensus was that the number of pay phones was shrinking for a number of reasons, including the need to stop drug dealers and the growing use of wireless. Many of the pay phones do not work and their automatic response service does not work either. Also, many of the pay phones require the user to have a phone card, and the special button needed to use the phone card is too poorly placed on the phone box so that it is difficult to find and to use because of its size. Often times, the call will not go through even though you have deposited the money into the box. There is a recording at the other

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Minutes from DTIS Outreach Meeting  
Senior and Disabled Communities  
July 27, 2000

Members of the Department of Telecommunications and Information Services and their consultants met with members of the Senior and Disabled communities on Thursday, July 27, 2000 in room 400 at San Francisco's City Hall from 9:00 AM - 11:00 AM.

Participants in the audience were varied between citizens and representatives from various organizations serving the senior/disabled communities. The audience also included the director of the Mayor's Office on Disability, a member of the Mayor's Disability Council, and two individuals from the City's Office of Emergency Services (OES).

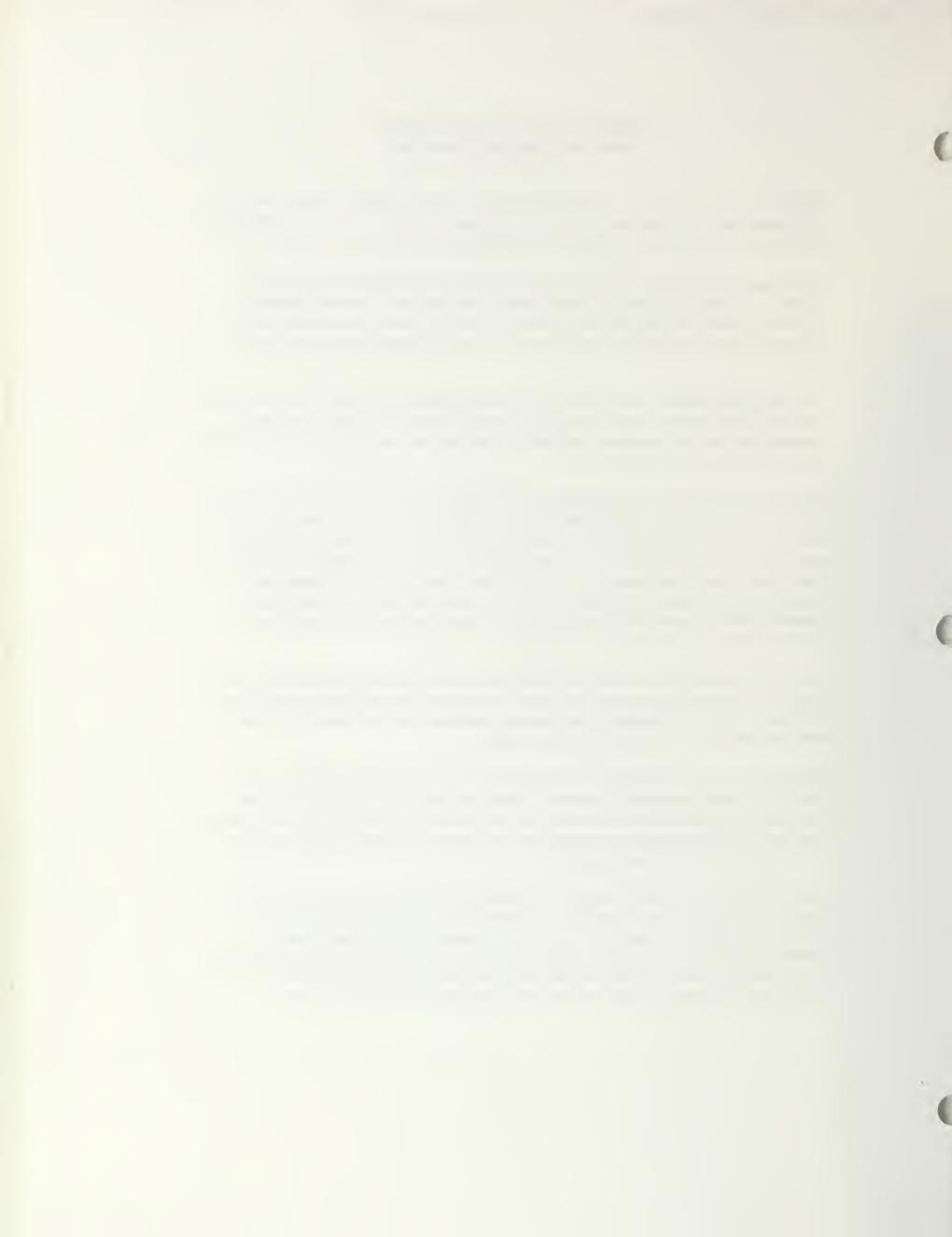
After brief introductions, Fred Weiner, DTIS Deputy Director, provided a comprehensive overview of the Telecom Plan, its history, the research completed to date, the Plan's outreach program and the process the Plan will take in order for it to be fully approved by the City and County of San Francisco.

Initial discussion took place regarding the usage of telecommunications devices used by this particular community. Telephones, pagers, e-mail, Web TV were a few of the tools used. A representative of a senior community center noted that the senior community is the fastest growing population in the United States. Among his constituents, interest in using e-mail, surfing the Internet, and Web TV was increasing. He also noted that it is imperative to provide/build additional facilities whereby individuals can build their computer skills, increase their knowledge of the Internet, and build relationships with others that share the same interest in technology.

One of the participants at the meeting works with Seniors who are homeless and, as such, noted that her constituents watch very little television and perceived computers as very intimidating. Several members of the audience mentioned that technology was viewed with trepidation and that it could be intimidating.

At least one member of the audience mentioned, and others agreed, that Web TV was good for the senior community because the screen was larger, TV was an object they were used to working with and therefore was less intimidating, and it was generally more user friendly. One comment was made that a "simple-net" appliance device would be much more user friendly than a computer.

Many members of the audience stressed on numerous occasions the need for education. They would like to see more "educational partnerships" between community centers, libraries, technology companies, and to have the "extended" educational system join forces to provide greater access to education and training. Several participants noted that many of the "free access" locations that the City provides to individuals to check their e-mail often times have long lines and that these long lines are a barrier to usage.



One disabled individual mentioned that there were a very limited number of locations that offer "large type" keyboards from which seniors and disabled community members can access e-mail, computers, etc. The general consensus of the group was that the City should encourage/provide more locations that take into consideration the need for "larger type" keyboards and screens for these communities.

Some participants mentioned that it would be helpful for all new facilities that are built, or remodeled, to be "wired" for easy access to communication technologies for the senior/disabled communities. Perhaps training programs could be offered at senior housing facilities. At least one individual mentioned the idea that at the end of a training program - the individual would receive a computer. (Note: This program is already in place and being offered by the SF Housing Authority - 1190 Buchanan Street which serves as their computer training facility.)

Cost was also an issue that was discussed heavily at this meeting. Many seniors/disabled are living on fixed incomes with a large number of individuals living under the category of "low income." Economic issues were mentioned as very important when considering technology and telecommunication services and purchases. For example, a new computer can cost upwards of \$800 versus Web TV, which may cost \$150. Access and affordability appear to be very important cross-related issues for these communities.

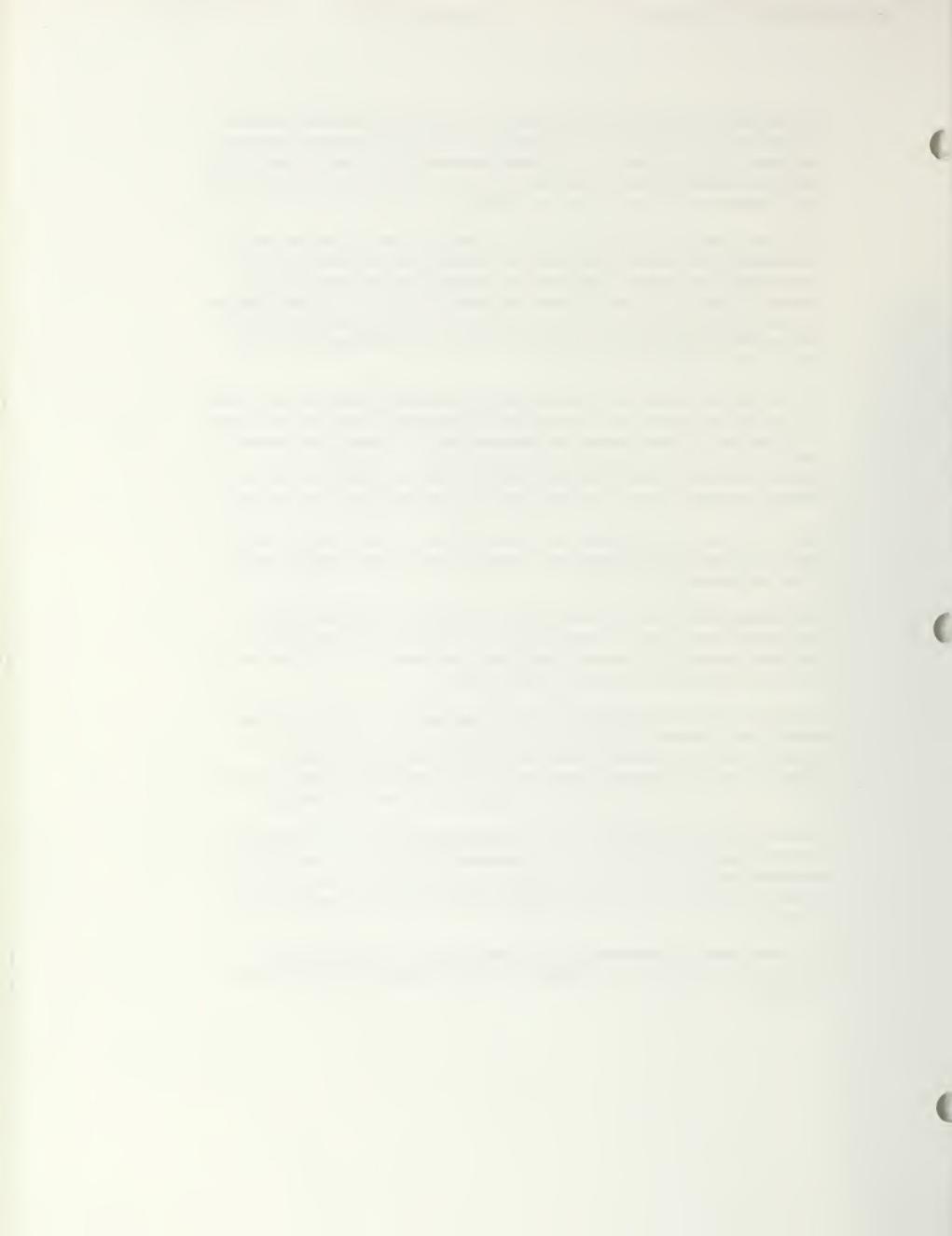
The idea of access to voicemail services was also discussed. Again, cost was a major factor. There was very little discussion or mention of such services as radio's, walkie-talkies, and personalized web pages.

Many in these communities tie access directly to availability of education. Without education and training, access to higher forms of telecommunications beyond the traditional phone unit will continue to be limited to this community. It was noted several times by participants that education is a vital "bridge."

The Mayor's Director of the Office of Disability mentioned that his offices have been working closely with the City Treasurer's Office to provide ATM machines that are accessible/useable to the disabled community. Their partnership has produced measurable results. He stressed the need for local, State, and Federal agencies to work in tandem to find solutions to "access" issues with the use of advanced technologies.

There was discussion regarding the need for information/education to be in languages other than English for those whose primary language is not English. In particular it was mentioned that San Francisco has large immigrant populations from Asia, Russia and Bosnia where different keyboard characters are needed to facilitate computer use and education.

There was discussion surrounding specific customer service issues, particularly in relation to seniors being targets of fraud and unethical business practices by telecom companies.



On the issues of "cramming" and "spamming" practices by certain telecom providers, there was a general consensus that these practices have directly impacted these communities. Specific examples included being taken from a given website to another website and offered "fantastic prizes" to sign up for their services. Many audience members were in agreement that the senior and disabled communities were definitely at risk of being taken advantage of with such scams. Long distance charges were specifically addressed by a member of the disabled community, as was the fact that if a resident were to install a second telephone line in their home for Internet use, they would not get "Universal Lifeline" services for this line.

Regarding the marketing of telecommunication services, there was general consensus that certain marketing practices were "heavy handed," including the new automatic "Caller-Redial" feature that was recently added to Pacific Bell customer phones for a charge of \$.95 cents per call.

Comments regarding "unauthorized charges" on customer bills drew audible agreement. Many agreed that customer bills were generally confusing.

It was suggested by several participants that the City work with non-profit consumer education organizations to provide critical information to the senior/disabled communities surrounding fraud, best rates, services, etc.

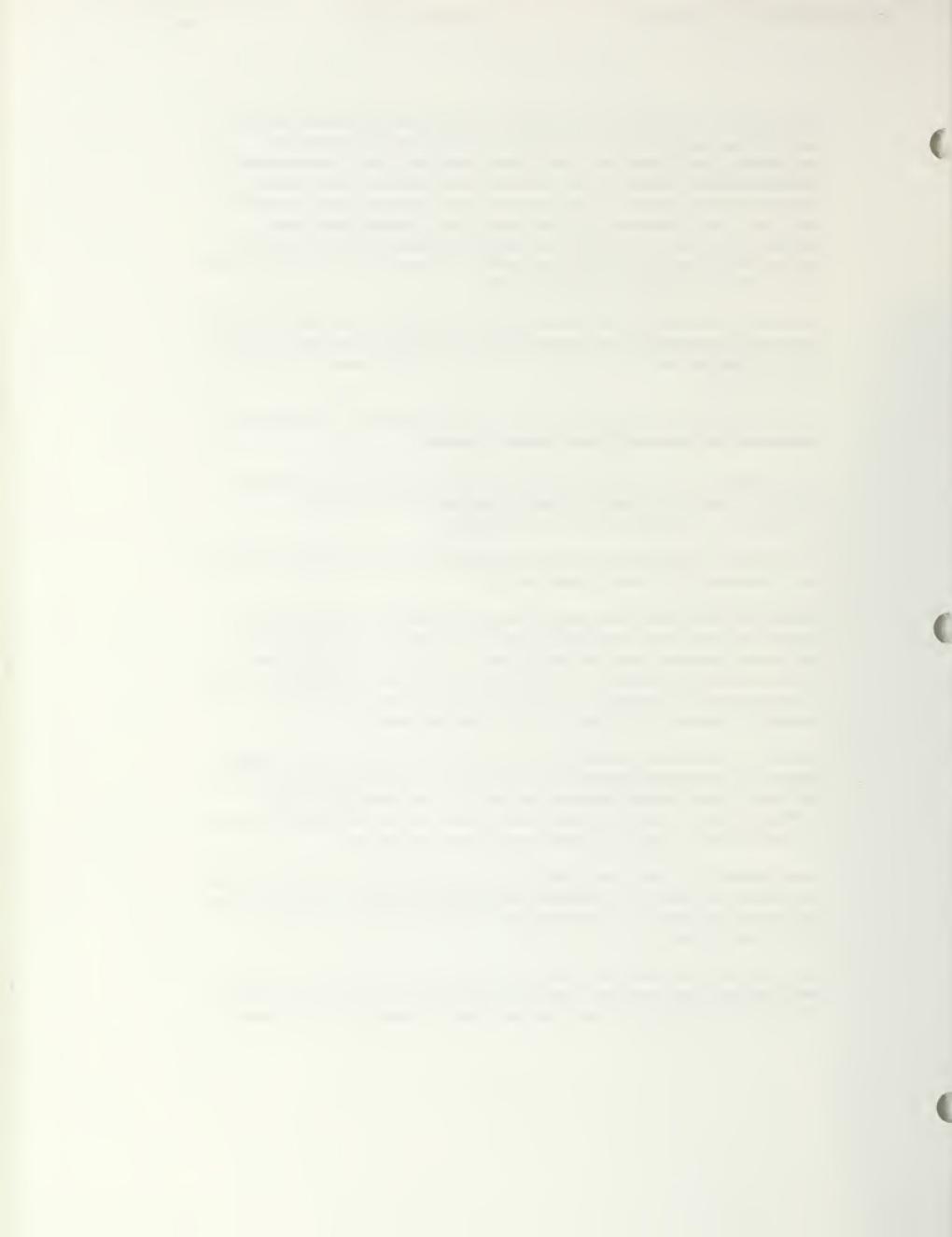
It was noted by one individual, and agreed to by others, that there is a literacy issue in the senior community which must be accounted for.

Regarding E-Government, it was noted by several individuals that members of these communities do not prefer "computerized menu options" when accessing information. They want to have their issues dealt with in-person. Various service options were discussed surrounding the idea of "one stop calling" whereby an individual would be able to call one central "Community Service" phone number and their call would be automatically directed the Community Center in their neighborhood.

A member of the disabled community pointed out that he would like to see a "bridge" between City/Government Services with the community-based organizations so that an individual can easily access information and services for programs such as drug rehabilitation and/or housing programs. This individual expressed frustration with what he views as the current lack of information available on said services.

It was discussed that there be one "three digit" phone number, similar to 911, from which you could call and have your call routed to the appropriate department within, City, State and Federal governments. DTIS staff members responded to inquiries regarding the status of such call features (i.e. 711, 211, 611).

There was also discussion regarding language and community sensitivity training for 911 staff. Members of the Emergency Communications Department (ECD) staff who were in attendance at this meeting encouraged the senior/disabled community organizations to



assist the ECD with their outreach efforts by inviting them to their meetings, events and internal communications.

There was limited discussion regarding Cable TV. Cost of cable service was definitely a factor with this community. It was noted that individuals without cable television (and there were some individuals who noted that there are parts of San Francisco where you cannot receive cable TV service) are not able to access Public Access television. One individual suggested that broadcast television service (i.e. doesn't subscribe to cable service) should include at least one Public Access channel offering.

One person suggested that it would be very helpful if customers could order "specific hybrid cable packages" to ensure they weren't paying for more than they really needed or had use for.

The pros and cons of satellite service were discussed briefly in relation to landlords permitting tenants install the dishes, which include "affixing" the dish to the building. Some landlords will let you do this, others will not.

Regarding the "build-out" of the City's telecom infrastructure, there were comments to the effect of "what was the City asking in return from the telecom providers in return for letting these companies excavate and disrupt the quality of life in neighborhoods. DTIS responded with a litany of "pro-bono" products and services the telecom companies provide the city.

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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## MINUTES

MONDAY, AUGUST 15, 2000  
CITY HALL  
ROOM 263  
5:30 P.M.

### COMMISSIONERS

Ernest Jackson, President  
Bonnie Engel, Vice President  
David Ellington  
Jan Masaoka

Liza Lowery, Director  
DEPARTMENT OF TELECOMMUNICATIONS  
AND INFORMATION SERVICES (DTIS)

### Order of Business

#### 1. Call to Order and Roll Call

The special Commission meeting was called to order by President Ernest Jackson at 5:40 P.M.

President Jackson called role call for the Commission.

Present: Ernest Jackson, President

Bonnie Engel, Vice President

Jan Masaoka, Commissioner

Excused Absence: E. David Ellington, Commissioner

#### 2. Communications

- Commissioners' Comments: None.
- Public Testimony

Douglas Loranger read a prepared statement expressing his concerns about the timing and public notice of the Commission meeting, and its coinciding with the monthly meeting of the Coalition for SF Neighborhoods. Mr. Loranger discussed recent developments in federal appellate case law and how they may impact the City's Telecommunications Plan (Plan) Recommendations #3.1 (preserve and promote interoperability and interconnection of telecommunications networks) and #1.2 (ensure that all San Franciscans have access to emergency telecommunications services.)



Paul Pendergast, Pendergast & Associates, responded to Mr. Loranger's comments regarding the meeting notices by outlining the outreach efforts (Pendergast & Associates was the firm retained by DTIS to conduct the public outreach.) The outreach included mailing more than 300 invitations to various neighborhood organizations, as well as posting announcements and advertising on Citywatch Channel 26 and in various community newspapers and publications.

Liza Lowery, Executive Director, DTIS, commented that it was unfortunate that there was a conflict in the meeting times, but noted that because there are over 600 meetings scheduled at City Hall there are often conflicts of meetings. Ms. Lowery stated that for those unable to attend the meeting, written comments are welcome.

B. J. Brider and Sally Green, representing the senior community, stated that they would like to have been able to have access to the meeting materials earlier than what was available on the Commission's website.

### **3. Telecommunications Plan**

#### **- Brief Overview of the Public Participation Process for the Telecommunications Plan Development and Possible Recommendations**

Denise Brady, Deputy Director, DTIS, gave a PowerPoint presentation on the Telecom Plan.

Ms. Brady explained that the purpose of the Plan is to provide for the current and future telecommunications needs of San Francisco's businesses and citizens. As a result of the research and outreach previously conducted, DTIS had prepared a series of vision statements and recommendations. Ms. Brady noted that the Plan is meant to be a "living document" and that it will be updated as needed.

The following is a summary of her presentation:

Vision No. 1: Enhance Public Health and Safety Through Telecommunications.

Recommendations:

1.1 Provide and maintain state-of-the-art Combined Emergency Communication Center.

1.2 Ensure that all San Franciscans have access to emergency telecommunications services.

1.3 Reduce air-pollution and traffic and parking congestion by promoting telecommuting and electronic

1.4 Mitigate the impact of the deployment of telecommunications infrastructure in the public rights -of-way (streets and sidewalks).

Vision No. 2: Promote Economic Development Through Telecommunications.

Recommendations:

2.1 Ensure that the benefits of competition reach all users of telecommunications services.

2.2 Attract and retain businesses heavily reliant on advanced telecommunications services.

2.3 Ensure that telecommunications companies provide high quality, responsive customer services.

2.4 Ensure that all businesses benefit from the booming San Francisco telecommunications market.

2.5 Promote the development of an entry-level workforce able to support businesses reliant on advanced telecommunications.



**Vision No. 3: Promote Consumer Choice for Advanced Telecommunications Infrastructure and Services.****Recommendations:**

3.1 Encourage more telecommunications providers to enter the SF market.

3.2 Ensure consumers are able to make informed choices in a competitive environment.

**Vision No. 4: Use Telecommunications to Improve City Services and Expand Methods of Delivering City Services.****Recommendations:**

4.1 Develop and implement electronic communication applications to allow the public to safely, securely, and accurately conduct financial and non-financial transactions with CCSF agencies (i.e., E-government applications).

4.2 Improve and enhance public customer services and customer service training through telecommunications.

4.3 Improve and increase research and development efforts to bring latest technology to improve government services.

4.4 Deploy and maintain telecommunications and information systems that are cost-effective, increase access to public information, and improve the City's productivity and customer service.

**Vision No. 5: Ensure That All Residents of San Francisco Have Access to Advanced Telecommunications Services.****Recommendations:**

5.1 Ensure providers are deploying state-of-the-art telecommunications infrastructure in San Francisco.

5.2 Promote use of telecommunications tools and services.

5.3 Encourage City vendors and franchisees to make donations of equipment or provide free or reduced rate services to low-income consumers or programs that serve them.

5.4 Encourage the broad deployment of a TV-based Internet service in San Francisco.

5.5 Ensure that San Francisco students are prepared for entry-level jobs at businesses heavily reliant on telecommunications services.

5.6 Promote the dissemination of public information in formats useful to non or limited English speakers.

5.7 Facilitate access to telecommunications services.

5.8 Promote access to telecommunications services by homeless and very low income San Franciscans.

5.9 Encourage use of telecommunications as a resource for education.

**Vision No. 6: Promote the Democratic Process Through the Use of Telecommunications.****Recommendations:**

6.1 Broaden public interest in the electorate process through various programs provided via public access cable television channels and interactive websites.



6.2 Broaden public participation at public meetings and hearing through various electronic means.

6.3 Broaden public policy discussion on City policy issues through various electronic means.

Ms. Brady concluded the presentation by reporting that because of the 9th Circuit Court of Appeals' recent ruling on the issue of local governments' jurisdiction over cable modem service providers. DTIS will continue to evaluate and monitor the situation.

- Commissioners' Comments

In response to questions from the Commission, Ms. Brady said that additional public input would be gathered through the Commission's regular monthly meetings. Ms. Brady stated that the intent is to have a draft of the Plan available to the Commissioners for their review and comments sometime in October, and to have the Plan approved by the Board by the end of this year.

- Public Hearing/Testimony

Mr. Pendergast moderated the public hearing segment of the meeting.

Gary Briggs commented on the health factors of wireless technology.

Babette [last name not provided] discussed her concern about the safety issues of utility poles in her Potrero Hill neighborhood, and stated that she would like to see the lines

buried underground.

In response to the question of whether telecommunications access was an important issue to the audience, Ms. Green commented that education was very important to seniors and the disabled. Ms. Green stated that there are not that many opportunities for seniors to learn about computers, and while community colleges have computer

courses, they are generally too fast and seniors feel intimidated by the younger students that she felt are able to learn much more quickly. She suggested that consideration should be given to have more computer learning classes at senior centers where the pace is slower, the class sizes are smaller and consequently, more fun.

Commissioner Masaoka commented that education and training are critical, and that the Plan needs to address training and access to the Internet for the disabled community.

Ed Evans stated that while there are many programs to give seniors access to computers, there were very few for the disabled. He suggested that government should provide greater access, such as having a MUNI website where a person can type in the starting point and desired destination, and be given directions on how to reach the destination using MUNI access points for the disabled. Mr. Evans also commented that some people in the City could not get the public access channels because their landlords refuse to allow cable installation in their buildings.

Darren Lewis discussed his proposed solution to educate the homeless, seniors and disabled on computers by utilizing television as a teaching tool.

Rose Tony stated that people with hearing and/or sight impairments need some type of mechanism that will help them to access the telephone and/or computer without having to reach for them. She stated that her clients, members of the disabled community, do not want to be left out of new technology.

In response to Debra Stein's question, Ms. Brady defined telecommunications as voice, data infrastructure, and the broadband transmission of information and communications. Ms. Lowery, Executive Director, DTIS, stated that the definition will evolve as the industry develops but is being used in its broadest terms to cover voice, video and data.



Sharon Gadbury stated that women small business owners are being shutout of local, state and federal contracts because the governments are bundling their contracts, making them too large for small businesses to compete. She suggested that the City seek ways to break up the contracts into smaller parts to allow small businesses to compete.

Myron Howard-Johnson, Commissioner, Youth Commission, stated that although youth "are the future," there is not enough access to computers for them. He stated that young people who have access to computers intimidate young people who don't have access to computers.

Christina Lomuto mentioned that at the Telecom Plan Youth Public Participation meeting, a majority of the youth felt that it was not a good idea to do excavation because it made the City unattractive. They felt that there must be some other way for the City to provide access for its citizens, and at the same time not make the City unattractive. She further recapped that computer access was an important issue for the youth, and as the country becomes more reliant on computers and telecommunications, it was important to start educating children in elementary school. There was also a concern with youth about a society that increasingly relies on the use of technology as pagers, cell phones and Internet, to the point where people start to lose personal contact with one another.

Jul Parsons stated that deaf people should be able to use the telephone and there should be some kind of device for them to be able to use cell phones. She believes that for a person with disabilities, isolation was their greatest concern. She stated that it is important to have a plan that will allow people with disabilities to use cell phones for emergency purposes as well as to communicate. Ms. Parsons strongly recommended having close captioning for all City meetings.

Mr. Evans suggested having an amplifier headset for cell phones.

B.J. Crider mentioned her concerns regarding emergency communication, and inquired how much all of the ideas from the Plan will cost, and where the money would be coming from.

Ms. Lowery responded that the Master Plan would evolve from a strategic plan into a tactical plan. This evolution will include development of a budget and prioritization of use of funds. Ms. Lowery suggested that there are other sources of outside revenues, such as donations from private companies.

Mr. Evans suggested that to alleviate some of the costs, corporations could set up programs for the seniors, homeless and other disability groups. With the new DSL and cable modem, Mr. Evans stated that it was necessary to consider how the costs affect the homeless, seniors and low-income people.

It was suggested that the City investigate whether the public libraries can extend the time for seniors to use the computers. Ms. Brady responded that she had a meeting a representative from the Library and that they were aware of the situation and were working on expansion plans to make computers more available.

Commissioner Masaoka suggested that a time line and general costs be incorporated into the Plan.

Mr. Loranger asked if there would be any public input on the City's zoning policies regarding Wireless Tower Sitting (WTS) Guidelines.

Ms. Brady stated that the Planning Commission expects to conduct a hearing on WTS and formalize their plans in September.

Diana Schumacker suggested that people learn best though fun, and suggested conducting computer classes in locations such as the Exploritorium.

Ms. Green stated that while Web TV is terrific for email and the Internet, especially for seniors who are homebound and can utilize the Internet to buy groceries and medical supplies and not feel a sense of isolation.

Sue Levitin, AT&T Cable Services, stated service providers look to the City for help with issue like landlords not allowing cable into their buildings. Ms. Levitin stated that access is very important.



Zoon Nguyen, Pacific Bell, stated that network facilities need help from the City with the permitting process in order to deploy the infrastructure more quickly.

Ms. Stein stated that when the City adopts the Plan, it should look at what is best Citywide, as opposed to trying to please all of the localized interests.

Joan Roughgarden suggested that dot.com companies in the Mission district provide computer-training classes, which might help facilitate communication and the relationship between the dot.coms and the local citizens.

Commissioner Masaoka stated that unfortunately, it would not be possible to implement everyone's concerns due to policy conflicts; e.g., cell phone coverage in Noe Valley is limited because the neighborhood is concerned with the placement of antennas. The Commissioner stated that she was appreciative of the work of the Department.

Vice President Engel suggested that a Telecom handbook would be a great resource for the citizens of San Francisco.

President Jackson commented that he was very impressed with the diversity and representation in the audience. He stated that now that the Plan was close to completion, it was important that a financial forecast be incorporated into the Plan for citizen review.

Ms. Lowery thanked the audience for attending and encouraged all citizens of San Francisco to participate in the public process regarding the Telecom Plan.

**4. General Public Testimony:** None.

**5. Adjournment**

President Jackson adjourned the meeting at approximately 8:00 p.m.

Respectfully submitted,

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Kim B. Weisman

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Department of Telecommunications and Information Services  
City and County of San Francisco

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# CANCELLATION NOTICE

OF THE REGULAR MEETING OF THE  
TELECOMMUNICATIONS COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

Please note that the regular meeting of the Telecommunications Commission for  
Monday, August 28, 2000 has been canceled.

The next regular meeting of the Commission will be held on  
Monday, September 25, 2000, City Hall,  
1 Dr. Carlton B. Goodlett Place, Room 400.

Fax 8/25/00  
DOCUMENTS DEPT.

AUG 28 2000

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- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
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**Commission Information:**

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Department of Telecommunications and Information Services  
City and County of San Francisco

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# NOTICE

## REGULAR MEETING OF THE TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Monday, September 25, 2000, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 400

### AGENDA

There are four action items on this agenda.  
All other items on this agenda are for discussion purposes only.

The Commission respectively requests that all cell phones and  
pagers are turned off during the duration of the meeting.

1) CALL TO ORDER, ROLL CALL

DOCUMENTS DEPT.

Ernest Jackson, President  
Bonnie Engel, Vice President  
Commissioner Kim Bogen  
Commissioner David Ellington  
Commissioner Jan Masaoka

SEP 25 2000

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2) STATEMENT FROM PRESIDENT JACKSON  
(There are no handouts associated with this item.)

FOR DISCUSSION ONLY

- Public Testimony
- Commissioners' Comments

3) APPROVAL OF THE MINUTES

(Commissioners will vote to adopt the minutes. Handouts associated with this item are the Minutes from the April 24, 2000 [with correction], June 26, 2000, July 17, 2000 and August 15, 2000 meetings.)

- a) Adoption of the Minutes** from the Regular April 24, 2000 Meeting (with correction) **ACTION ITEM**
- Public Testimony
  - Commissioners' Comments
  - Commissioners' Vote
- b) Adoption of the Minutes** from the Regular June 26, 2000 Meeting **ACTION ITEM**
- Public Testimony
  - Commissioners' Comments
  - Commissioners' Vote
- c) Adoption of the Minutes** from the Special July 17, 2000 Meeting **ACTION ITEM**
- Public Testimony
  - Commissioners' Comments
  - Commissioners' Vote
- d) Adoption of the Minutes** from the Special August 15, 2000 Meeting **ACTION ITEM**
- Public Testimony
  - Commissioners' Comments
  - Commissioners' Vote

**4) COMMUNICATIONS** **FOR DISCUSSION ONLY**  
(Descriptions of documents associated with this item are listed at the end of this agenda. Public review of these described documents can be arranged by contacting the Telecommunications Commission at the address or phone number listed at the end of this agenda.)

- Public Testimony
- Commissioners' Comments

**5) NATOA REPORT FROM VICE PRESIDENT ENGEL AND COMMISSIONER BOGEN**

(There are no handouts associated with this item.)

- Public Testimony
- Commissioners' Comments

**6) DIRECTOR'S REPORT****FOR DISCUSSION ONLY**

(There are no handouts associated with this item.)

- DTIS Year in Review
- Introduction of New DTIS Senior Management Team
- Telecom Plan Update
  - Public Testimony
  - Commissioners' Comments

**7) NEW BUSINESS**

- WIN (Western Integrated Networks)  
Introduction and Presentation

**FOR DISCUSSION ONLY**

(There will be a handout available at the meeting.)

- Public Testimony
- Commissioners' Comments

**8) CALENDAR MATTERS****FOR DISCUSSION ONLY**

(There are no handouts associated with this agenda item.)

- The regular October 23 meeting has been changed to October 30. The meeting will occur at the regularly scheduled time of 5:30 pm in Room 400, City Hall.
  - Public Testimony
  - Commissioners' Comments

**9) GENERAL PUBLIC TESTIMONY****FOR DISCUSSION ONLY****10) ADJOURNMENT**

COMMUNICATIONS PAGE

**COMMUNICATIONS RECEIVED AUGUST 11 – SEPTEMBER 15, 2000**

COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS

1. Agenda for the September 25, 2000 Commission meeting.
2. Draft minutes for the April 24, 2000 [correction], June 26, 2000, July 17, 2000 and August 15, 2000 meetings.

COMMUNICATIONS RECEIVED FROM THE PUBLIC

1. Letter from Sue Levitin, AT&T, dated August 14, 2000, regarding how the airing of the Summer Olympics will affect Channel 53 programming.

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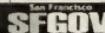
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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## MINUTES

MONDAY, SEPTEMBER 25, 2000  
CITY HALL  
ROOM 400  
5:30 P.M.

### COMMISSIONERS

Ernest Jackson, President  
Bonnie Engel, Vice President  
Kim Bogen  
David Ellington  
Jan Masaoka

Liza Lowery, Director

DEPARTMENT OF TELECOMMUNICATIONS  
AND INFORMATION SERVICES (DTIS)

### Order of Business

Secretary Kim Weisman announced a change in the agenda. On Item 6, Director's Report, the "Telecom Plan" Update would be taken as a separate item.

#### 1. Call to Order and Roll Call

The meeting was called to order by President Ernest Jackson at 5:37 P.M.

Secretary Kim Weisman called role call for the Commission.

Present: Ernest Jackson, President

Bonnie Engel, Vice President

Kim Bogen, Commissioner

David Ellington, Commissioner

Excused

Absences: Jan Masaoka, Commissioner

#### 2. Statement from President Jackson



President Jackson's gave his first address to the Commission and the public as President of the Commission. His statement is attached.

- Public Testimony: None.
- Commissioners' Comments: None.

### **3. Approval of the Minutes**

#### **a) Adoption of the Minutes from the Regular April 24, 2000 Meeting (with correction)**

- Public Testimony: None.
- Commissioners' Comments: None.
- Commissioners' Vote:

#### **Action Taken**

Commissioner Ellington made a motion, seconded by Commissioner Bogen, to adopt the minutes, with correction, for the April 24, 2000 regular Commission meeting. The Commission moved to adopt the minutes with four ayes [Jackson, Engel, Bogen, Ellington], none opposed.

#### **b) Adoption of the Minutes from the Regular June 26, 2000 Meeting**

- Public Testimony: None.
- Commissioners' Comments: None.
- Commissioners' Vote:

#### **Action Taken**

Commissioner Ellington made a motion, seconded by Commissioner Bogen, to adopt the minutes for the June 26, 2000 regular Commission meeting. The Commission moved to adopt the minutes with four ayes [Jackson, Engel, Bogen, Ellington], none opposed.

#### **c) Adoption of the Minutes from the Special July 17, 2000 Meeting**

- Public Testimony: None.
- Commissioners' Comments: None.
- Commissioners' Vote:

#### **Action Taken**

Commissioner Engel made a motion, seconded by Commissioner Bogen, to adopt the minutes from the July 17, 2000 special Commission meeting. The Commission moved to adopt the minutes with four ayes [Jackson, Engel, Bogen, Ellington], none opposed.

#### **d) Adoption of the Minutes from the Special August 15, 2000 Meeting**



- Public Testimony: None.
- Commissioners' Comments: None.
- Commissioners' Vote:

#### Action Taken

Commissioner Engel made a motion, seconded by Commissioner Bogen, to adopt the minutes from the August 15, 2000 special Commission meeting. The Commission moved to adopt the minutes with four ayes [Jackson, Engel, Bogen, Ellington], none opposed.

#### **4. Communications**

- Public Testimony: None.
- Commissioners' Comments: None.

#### **5. NATOA Report from Vice President Engel and Commissioner Bogen**

Vice President Engel congratulated Denise Brady, Deputy Director, DTIS, on becoming the current President-Elect (and future President in Year 2001) of NATOA.

Vice President Engel gave a presentation on the National Association of Telecommunications Officials and Advisors (NATOA) conference in Los Angeles. A summary of her presentation is attached.

Commissioner Bogen thanked President Jackson for his gracious welcome to the Commission and thanked the Commission and the Department for their assistance with getting her up to speed on the Commission. Commissioner Bogen stated that she was honored to serve the citizens of San Francisco, and to serve at the pleasure of Mayor Willie L. Brown, Jr.

Commissioner Bogen gave a presentation on the National Association of Telecommunications Officials and Advisors (NATOA) conference in Los Angeles. A summary of her presentation is attached.

- Public Testimony: None.
- Commissioners' Comments:

Commissioner Ellington stated that he felt Vice President Engel's "revolutionary" ideas were exactly the kind of thinking the Commission should have, especially in a time of budget surplus.

President Jackson stated that while he appreciated Vice President's comments on the concept of regionalization, he voiced significant concerns that in San Francisco, folding in other municipalities would be too monumental of a task because the City's situation is so unique. He agreed with Vice President Engel that investigating regionalization was worth a try, and suggested that if she wanted to further investigate this concept, she could bring information back to the Commission.

Vice President Engel stated that her thinking on the regionalism was more on a City staff level than on a Commission level, unless any of the Commissioners had time to be a liaison with other Bay Area cities and groups. Vice President Engel stated she might speak with the Chairman of the Berkeley Telecommunications Task Force regarding a regional possibility. She mentioned how regional cable might be useful for extending long-distance educational opportunities.

#### **6. Director's Report**



Liza Lowery, Executive Director, DTIS, gave a presentation of DTIS' highlights of the past year. A copy of the DTIS annual report is attached.

- Public Testimony:

Linda Crayton, AT&T, congratulated Ms. Lowery on her report, welcomed Commissioner Bogen and thanked Commissioner Ellington for his leadership.

Ms. Crayton stated that the California State Association of Counties and League of California Cities are looking at regionalization telecommunication issues.

- Commissioners' Comments:

President Jackson and Vice President Engel commended Director Lowery on her report and the outstanding direction that the Department is taking.

- Telecom Plan Update

Director Lowery gave a brief Telecom Plan update. She stated that much progress has been made and that the Department is working on the remaining chapters in order to deliver a draft Plan (excluding the Needs Assessment and Executive Summary) to the Commission by the end of October/beginning of November. The Department will then be finishing the remainder of the Plan, including the Needs Assessment and the Executive Summary. The Department has targeted delivery of all chapters to the Commission at the end of the year, after which time the Department will prepare the supporting legislation for the Commission to take action on the Plan in the beginning of next year.

- Public Testimony: None.

- Commissioners' Comments:

President Jackson asked about focus groups for neighborhood coalitions. Ms. Lowery stated that the coalitions have participated in the Plan outside of the Commission meetings, but the Department would look into the issue and respond to President Jackson before the next meeting.

## **7. New Business - WIN (Western Integrated Networks) Introduction and Presentation**

Executive Director Lowery and Deputy Director Brady introduced WIN. The company applied for a cable television franchise with the City and County of San Francisco on June 30, 2000. They intend to provide voice, video and data services to the citizens of San Francisco.

Nico Bloom, Regional Director, Franchising/Government Relations, WIN, gave a presentation on the company. Ms. Bloom discussed the company's background, their capital plan, their executive team and plans for local organizational staff, locations of their present franchises, description of their network and services, and their commitment to customer service and the community.

- Public Testimony: None.

- Commissioners' Comments:

In response to questions from the Commission, Ms. Bloom responded as follows. There would not be a cable modem for Internet access - there is a card that goes into the computer that interacts with an Ethernet port. She stated that there would be different levels of service available for voice, video and data services. The most cost effective way for WIN to currently deliver video services is through co-ax, but that they ultimately would like to move to fiber; for phone and data, WIN will be using fiber all the way to the home. She stated that the company would hire more local staff based on how negotiations go with the City for a franchise. Bechtel will be the project manager for the construction of their system in the City.



Ms. Bloom stated that she would get clarification on President Jackson's question of whether or not WIN would be using IP telephony.

Commissioner Ellington requested that as the Department and WIN get further into the application process, to find out and report to the Commission exactly how much money WIN would be using to build out a system in the City, as well as how much it costs to build out a new system, generally, in the City.

#### **8. Calendar Matters**

Secretary Weisman stated that the regular October 23 meeting has been changed to October 30, which will occur at the regularly scheduled time of 5:30 pm in Room 400, City Hall.

- Public Testimony: None.
- Commissioners' Comments: None.

#### **9. General Public Testimony:** None.

#### **10. Adjournment**

President Jackson adjourned the meeting at approximately 7:08 p.m.

Respectfully submitted,

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Kim B. Weisman

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3  
130  
130/00

Department of Telecommunications and Information Services  
City and County of San Francisco

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## NOTICE

REGULAR MEETING OF THE  
~~TELECOMMUNICATIONS COMMISSION~~  
CITY AND COUNTY OF SAN FRANCISCO

Monday, ~~October 30, 2000~~, 5:30 PM  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 400

### ~~AGENDA~~

There is one action item on this agenda.  
All other items on this agenda are for discussion purposes only.

The Commission respectfully requests that all cell phones and  
pagers are turned off during the duration of the meeting.

1) CALL TO ORDER, ROLL CALL

Ernest Jackson, President  
Bonnie Engel, Vice President  
Commissioner Kim Bogen  
Commissioner David Ellington  
Commissioner Jan Masaoka

2) DEPARTMENTAL PROCLAMATION  
HONORING FORMER COMMISSION  
PRESIDENT DAVID ELLINGTON

(There is no handout associated with this item.)

FOR DISCUSSION ONLY

- Public Testimony
- Commissioners' Comments

DOCUMENTS DEPT.

OCT 30 2000

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**3) APPROVAL OF THE MINUTES****ACTION ITEM**

(Commissioners will vote to adopt the minutes. The handout associated with this item is the Minutes from the September 25, 2000 meeting.)

- Adoption of the Minutes  
from the Regular September 25, 2000 Meeting

- Public Testimony
- Commissioners' Comments
- Commissioners' Vote

**4) COMMUNICATIONS****FOR DISCUSSION ONLY**

Descriptions of communications received by the Commission are listed at the end of this agenda.

- Public Testimony
- Commissioners' Comments

**5) DIRECTOR'S REPORT****FOR DISCUSSION ONLY**

(There is no handout associated with this item.)

- Telecom Plan Update
- Hall of Justice – New Phone System
- E911 Cutover
- DTIS Reorganization
- Introduction of New Policy Analyst Martha Schmidt

- Public Testimony
- Commissioners' Comments

**6) NEW BUSINESS****FOR DISCUSSION ONLY**

(There are no handouts associated with these items.)

a) Establishing Policies Regarding the Use and Occupation of the Public Rights-of-Way for Installation of Telecommunications Facilities

- Public Testimony
- Commissioners' Comments

b) Notice of Inquiry (NOI) Concerning High-Speed Access to the Internet over Cable and Other Facilities

- Public Testimony
- Commissioners' Comments

**c) Commissioner Committee Appointments**

- Public Testimony
- Commissioners' Comments

**7) OLD BUSINESS**

**FOR DISCUSSION ONLY**

**a) Public Access Channel Update**

(This is a handout associated with this item.)

- Presentation by Zane Blaney, CEO, San Francisco Cable Television Corporation (CTC)
  - Public Testimony
  - Commissioners' Comments

**b) Government Channel Update**

(There is no handout associated with this item.)

- Presentation by Priscilla Watts, Channel Manager and Jack Chin, Operations Manager, CityWatch
  - Public Testimony
  - Commissioners' Comments

**8) CALENDAR MATTERS**

(There are no handouts associated with these items.)

- The next regular Commission meeting will be held on November 30. The meeting will occur at the regularly scheduled time of 5:30 pm in Room 416, City Hall.
- A Commission workshop is scheduled for Friday, December 8. An agenda will be available at a later date with the time, location and agenda items.
  - Public Testimony
  - Commissioners' Comments

**9) GENERAL PUBLIC TESTIMONY**

**FOR DISCUSSION ONLY**

**10) ADJOURNMENT**

COMMUNICATIONS PAGE

COMMUNICATIONS AGENDA PACKET RECEIVED FROM DTIS

1. Agenda for the October 30, 2000 Commission meeting.
2. Draft minutes for the September 25, 2000 meeting.

COMMUNICATIONS RECEIVED FROM THE PUBLIC  
SEPTEMBER 16 -OCTOBER 20, 2000

1. Letter from Sue Levitin, AT&T, dated September 28, 2000, regarding changes to the billing statement for basic and expanded cable service.
2. Letter from Sue Levitin, AT&T, dated September 28, 2000, regarding a price increase for the adult Pay-Per-View services on cable.

**Please Note:**

- Special Announcement: The public can view this Telecommunications Commission meeting live on the web through videotaping. To see the meeting online, visit [www.sfgov.org](http://www.sfgov.org) and click on the "Watch Citywatch Cable TV online" link at the start time of the meeting.
- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
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## SUNSHINE ORDINANCE

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the peoples' review.

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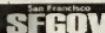
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# TELECOMMUNICATIONS COMMISSION CITY AND COUNTY OF SAN FRANCISCO MINUTES

MONDAY, OCTOBER 30, 2000

CITY HALL

ROOM 400

5:30 P.M.

COMMISSIONERS

Ernest Jackson, President

Bonnie Engel, Vice President

Kim Bogen

David Ellington

Jan Masaoka

Liza Lowery, Director

DEPARTMENT OF TELECOMMUNICATIONS

AND INFORMATION SERVICES (DTIS)

## Order of Business

Secretary Kim Weisman announced a change in the agenda. On Item 6C, the title "Commissioner Committee Appointments" should read "Commissioner Lead Assignments."

Secretary Weisman announced that Director Liza Lowery was unavailable this evening, so Deputy Director Denise Brady was Acting Director for the meeting.

### 1. Call to Order and Roll Call

The meeting was called to order by President Ernest Jackson at 5:30 P.M.

Secretary Kim Weisman called role call for the Commission.

Present: President Ernest Jackson



Vice President Bonnie Engel

Commissioner Kim Bogen

Commissioner David Ellington

Commissioner Jan Masaoka

## **2. Departmental Proclamation Honoring Former Commission President David Ellington**

Deputy Director Brady read the following Departmental proclamation:

"WHEREAS, E. David Ellington served with distinction as President of the Telecommunications Commission since its inception in 1997 completing his third one year term in July 2000; and

WHEREAS, the Department of Telecommunications and Information Services recognizes the valuable service Commissioner Ellington has rendered the people of San Francisco in the development of a Telecommunications Plan and the City's Y2K Project Management Plan; and

WHEREAS, under Commissioner Ellington's leadership, the Telecommunications Commission successfully supported the 1999 transfer of the Cable TV Franchise from TCI to AT&T, the long sought transfer of the Public Access Cable TV channel to the City's designated non-profit, the San Francisco Community Television Corporation, and the approval of the RCN Cable TV Franchise providing competitive cable TV, local and long distance voice and high speed Internet services to the underserved San Francisco residential market; and therefore

BE IT RESOLVED, that the Executive Director of the Department of Telecommunications and Information Services, on behalf of the employees of this department, by this order, expresses to Commissioner Ellington deep appreciation for his significant contributions as President of the San Francisco Telecommunications Commission from 1997 to 2000; and,

FURTHER, directs that there be prepared a copy of this order for presentation to Commissioner E. David Ellington.

Liza M. Lowery, Executive Director, Denise Brady, Deputy Director, Kathryn Hile, Deputy Director, Administration & Finance, Rodney L. Loucks, Chief Technology Officer and Dana Hom, Chief Operating Officer.

The Department of Telecommunications and Information Services adopted the foregoing Order at its Senior Staff meeting on October 30, 2000."

There was no public testimony on this agenda item.

Commissioner Ellington offered his thanks to the Department for the proclamation.

## **3. Approval of the September 25, 2000 Minutes**

There was no public testimony on this agenda item.

### **Action Taken**

President Jackson made a motion, seconded by Commissioner Ellington, to adopt the minutes for the regular September 25, 2000 Commission meeting. The Commission moved to adopt the minutes with five ayes [Jackson, Engel, Bogen, Ellington, Masaoka], none opposed.

## **4. Communications**



There was no public testimony on this agenda item.

President Jackson requested that the Commissioners continue to receive relevant news clippings from the Department.

## **5. Director's Report**

Deputy Director Brady gave an update on the Department's activities:

Telecom Plan - A preliminary draft of the Plan will be distributed to the Commissioners tomorrow.

Deputy Director Brady stated that the Needs Assessment will be added in November, the Executive Summary in December and a more complete draft targeted for completion by the end of the year.

Hall of Justice - Over the weekend of October 6, 2000, a new Avaya phone switch replaced the phone system serving the Hall of Justice. This cutover was one of the largest telephone replacement projects to date for the

E911 Cutover - DTIS is currently preparing for the Police phase of the cutover, scheduled to take place in mid-November.

DTIS Reorganization - This project is very close to completion, and an update will be provided at the next regular Commission meeting.

New staffer - Martha Schmidt from the Policy, Planning & Compliance division was introduced to the Commission.

There was no public testimony on this agenda item.

Commissioner Masaoka requested a complete table of contents for the Plan and

suggested that DTIS staff responsible for the Hall of Justice telephone system E911 cutover be nominated for one of the Departmental awards available to DTIS employees.

## **6. New Business**

### **a) Establishing Policies Regarding the Use and Occupation of the Public**

#### **Rights-of-Way for Installation of Telecommunications Facilities**

Deputy Director Brady gave a brief presentation on this item.

Ms. Brady reminded the Commission that Administrative Code Section 11.88(d) charges the Telecommunications Commission with, "establishing policies regarding the use and occupation of the Public Rights-of-Way for installation of telecommunications facilities."

With the recent granting of the RCN franchise, the current rebuild of the AT&T cable system, and upgrades to Pacific Bell's facilities, the need for these policies is elevated. Several City departments have rights and obligations related to regulating the use and occupancy of the City's public rights-of-way, including the Department of City Planning (DCP), the Department of Public Works (DPW), and DTIS.

DTIS staff recently held several exploratory meetings with DCP & DPW to clarify areas of responsibility and corresponding roles. After much discussion, all three departments recommended that the Telecommunications Commission establish high level objectives consistent with, yet more specific, than the City's General Plan regarding aesthetics, public safety, and other issues. DTIS felt these objectives could be achieved through regulations developed and enforced by DPW.



DPW and DCP expressed keen interest in working with DTIS to assist the Telecommunications Commission with the development of a policy document.

There was no public testimony on this agenda item.

Commissioners Engel and Masaoka had questions regarding the coordination of installation and deployment. Deputy Director Brady responded that President Jackson would appoint a lead Commissioner to coordinate with DTIS in the development of proposed policy. Commissioner Masaoka's suggested a public hearing on this issue.

**b) Notice of Inquiry (NOI) Concerning High-Speed Access to the Internet over Cable and Other Facilities**

Ms. Brady reported that on September 28, 2000 the Federal Communications Commission (FCC) issued a Notice of Inquiry (NOI), "Concerning High-Speed Access to the Internet over Cable and Other Facilities." (Decision Number FCC 00-035, GN Docket No. 00-185.) The inquiry addresses a number of issues concerning the appropriate legal and regulatory treatment of Cable Internet Service (CIS). The FCC is now addressing this issue because various courts have come to differing conclusions concerning the appropriate legal treatment of CIS.

Ms. Brady continued, stating that while the City has addressed the policy issues concerning Open Access, it has done so under the assumption that CIS is a cable service and could be regulated as such by the City. The Board of Supervisors endorsed the concept of Open Access through Resolution 718-99. In response to the Board's request, DTIS issued an Open Access report regarding how to implement the Board's Open Access policy, and the Commission supported imposing an Open Access requirement through Resolution 00-020.

Ms. Brady further stated that the City has not yet addressed the issues raised by the FCC concerning the classification of cable service. DTIS is in the process of analyzing these new issues and discussing the possibility of joining with other local agencies in filing comments with the FCC on the NOI.

Ms. Brady stated that comments on the NOI are due on Friday, December 1, 2000 and reply comments are due Wednesday, January 10, 2001.

There was no public testimony on this agenda item.

**c) Commissioner Lead Assignments**

President Jackson requested that Vice President Engel serve as the Commission liaison to the Department on the Rights-of-Way issue and Commissioner Bogen serve as the Commission liaison to the Department on the NOI issue and the Telecommunications Plan.

Vice President Engel and Commissioner Bogen agreed to act as the lead Commissioners on these subjects.

There was no public testimony on this agenda item.

**7. Old Business**

**a) Public Access Channel Update**

Zane Blaney, CEO, San Francisco Community Television Corporation (CTC), gave a presentation on the Public Access channel. Mr. Blaney discussed the annual report for fiscal year 99/00, the Channel's accomplishments and transitions, the status of the Channel and its facilities, and the future of the Channel.

Note: the PowerPoint presentation is available on the Commission's website at [www.sfgov.org/telecommunications\\_commission](http://www.sfgov.org/telecommunications_commission) or by request to the Secretary of the Commission.

There was no public testimony on this agenda item.

Commissioners Engel and Masaoka congratulated CTC on its accomplishments, and made inquiries about grants



and policies. Deputy Director Brady responded that the CTC is working toward a sustained funding base.

#### **b) Government Channel Update**

Priscilla Watts, Executive Producer and Jack Chin, Operations Manager, Citywatch, gave a presentation on the Government Channel. Along with statistics on programming produced and aired, they discussed employee development, customer service and the channel image. In addition, they gave a demonstration of live web streaming, video archiving and video-on-demand, and showed a public service announcement produced by the Channel.

Note: the PowerPoint presentation is available on the Commission's website at [www.sfgov.org/telecommunications\\_commission](http://www.sfgov.org/telecommunications_commission) or by request to the Secretary of the Commission.

There was no public testimony on this agenda item.

Several Commissioners posed questions about live video streaming, indexing, archiving, and procedures for allocating service to City departments and committees. Ms. Watts referred the Commissioners to the existing programming policies posted on the Citywatch web site. Ms. Brady reminded the Commissioners that the web streaming project is a highly successful pilot program that was begun in February 2000. Ms. Brady informed the Commission that DTIS would seek ongoing funding to sustain and expand this effort through the next budget process.

#### **8. Calendar Matters**

President Jackson stated that if there were no objections, the next regular Commission meeting would be held on November 30, 5:30 p.m., Room 416, City Hall. He also stated that a Commission workshop is scheduled for Friday, December 8.

Deputy Director Brady informed the public that there would be no action taken or substantive Commission business discussed at the workshop meeting.

Public Testimony - Linda Crayton asked if there would be a date certain when the Rights-of-Way report would be out.

Commissioner Comment - Commissioner Masaoka requested that the Department distribute a 6-8 month calendar of potential agenda items to the Commission for their review.

#### **9. General Public Testimony**

A. Haguekyalf, host of the public access show the "Real Live Mermaid," introduced her show to the Commission.

#### **10. Adjournment**

President Jackson adjourned the meeting at approximately 7:00 p.m.

Respectfully submitted,

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Kim B. Weisman

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Department of Telecommunications and Information Services  
City and County of San Francisco

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30  
1  
*30/00  
cancelled*

# CANCELLATION NOTICE

OF THE REGULAR MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
of the  
**CITY AND COUNTY OF SAN FRANCISCO**

Please note that the regular meeting of the Telecommunications Commission for  
Thursday, November 30, 2000 has been canceled.

The next meeting of the Commission will be a special meeting held on  
Monday, December 18, 2000, 5:30 pm  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 263.

DOCUMENTS DEPT.

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**Please Note:**

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Department of Telecommunications and Information Services  
City and County of San Francisco

TELECOMMUNICATIONS COMMISSION  
of the  
CITY AND COUNTY OF SAN FRANCISCO

2/8/00  
T30  
1  
Friday, December 8, 2000, 7:30 AM

Department of Telecommunications and Information Services (DTIS)

875 Stevenson, 5<sup>th</sup> Floor  
Learning Resource Center  
Special Meeting  
WORKSHOP

DOCUMENTS DEPT.

NOV 28 2000

John Taylor, Facilitator

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There are no action items on this agenda.  
All other items on this agenda are for discussion purposes only.

Workshop participants are Commissioners and City staff only.

The Commission respectfully requests that all cell phones and  
pagers be turned off during the duration of the workshop.

1) CALL TO ORDER, ROLL CALL

Targeted Times  
7:30 AM

President Ernest Jackson  
Vice President Bonnie Engel  
Commissioner Kim Bogen  
Commissioner David Ellington  
Commissioner Jan Masaoka

2) PUBLIC TESTIMONY

7:32 AM

3) INTRODUCTION OF PARTICIPANTS

7:37 AM

4) VISION FOR 2001

8:00 AM

- Introduction and Purpose of Workshop
- Recommended Guidelines for Conducting Workshop\*
- Roles and Expectations\*
- Communications
- The Year Ahead

Break

10:30 AM

- Conducting Public Meetings
- Legal Issues

10:45 AM

11:15 AM

5) PARTICIPANTS' LUNCH<sup>1</sup> and DTIS OVERVIEW

11:45 AM

6) TOUR OF DTIS' ONE MARKET SITE<sup>2</sup>

- Travel time
- Tour of One Market

1:15 PM

1:45 PM

7) ADJOURNMENT

2:30 PM

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\* Agenda items that are marked with an asterisk have supporting documents. These may be obtained from the Commission Secretary as described in the attached note.

<sup>1</sup> Refreshments and lunch will only be provided for the workshop participants and will not be made available to the general public. The public is welcome to bring their own to the meeting.

<sup>2</sup> Members of the public are welcome to visit the DTIS One Market site along with the Commissioners and DTIS staff, but are responsible for their own transportation to the site.

### **Supporting Documents**

\* Agenda items that are marked with an asterisk have supporting documents. These may be obtained from the Commission Secretary as described in the following notes. For this meeting the documents include:

- Item 4) Recommended Guidelines for Conducting Workshop: Guidelines Handout.
- Item 4) Roles and Expectations: Commission's Administrative Code Handout.

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^ ^Administrative Code).

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the peoples' review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE,  
<http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm>.

For more information on your rights under the Sunshine Ordinance, to obtain a free copy of the Ordinance or to report a violation of the Ordinance, contact Donna Hall, Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, (email) [Donna\\_Hall@ci.sf.ca.us](mailto:Donna_Hall@ci.sf.ca.us), (phone) 415/554-7724, (fax) 415/554-5163.

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin Code 16.520 – 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 701, San Francisco, CA 94102, telephone 415/554-9510, fax 415/703-0121 or web site at [www.ci.sf.ca.us/ethics/](http://www.ci.sf.ca.us/ethics/)

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## DISABILITY ACCESS

The San Francisco City Hall is wheelchair accessible. Accessible seating for persons with disabilities, including those using wheelchairs, is available.

The closest accessible BART station is the Civic Center station, located at the intersection of Grove, Hyde, and Market Streets.

Accessible MUNI bus lines serving City Hall are the 19 Polk, 42 Downtown Loop, 9 San Bruno, and the 7 Haight/Noriega. Accessible MUNI lines are the J, K, L, and M. Disabled parking is available at designated points along Van Ness, McAllister, Grove, and Polk streets. For more information regarding MUNI accessible services, call 415/923-6142.

Individuals with severe allergies, environmental illness, Multiple Chemical Sensitivities, or other disabilities should contact (415) 554-6060 or TDD/TTY at (415) 554-6252, for inquiries. In order to assist the City in accommodating persons with such disabilities, attendees at all public meetings are reminded that other persons may be sensitive to chemically based products. Please help the City to accommodate these individuals.

American Sign Language interpreters, sound enhancement devices, information in alternative format and/or Stenocaptioning will be available upon request.

Please make your request for reasonable accommodations at least 72 hours in advance of any public meeting hearing.



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Department of Telecommunications and Information Services  
City and County of San Francisco

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12/18/00 Special  
Cancelled

# CANCELLATION NOTICE

OF THE SPECIAL MEETING OF THE  
**TELECOMMUNICATIONS COMMISSION**  
of the  
**CITY AND COUNTY OF SAN FRANCISCO**

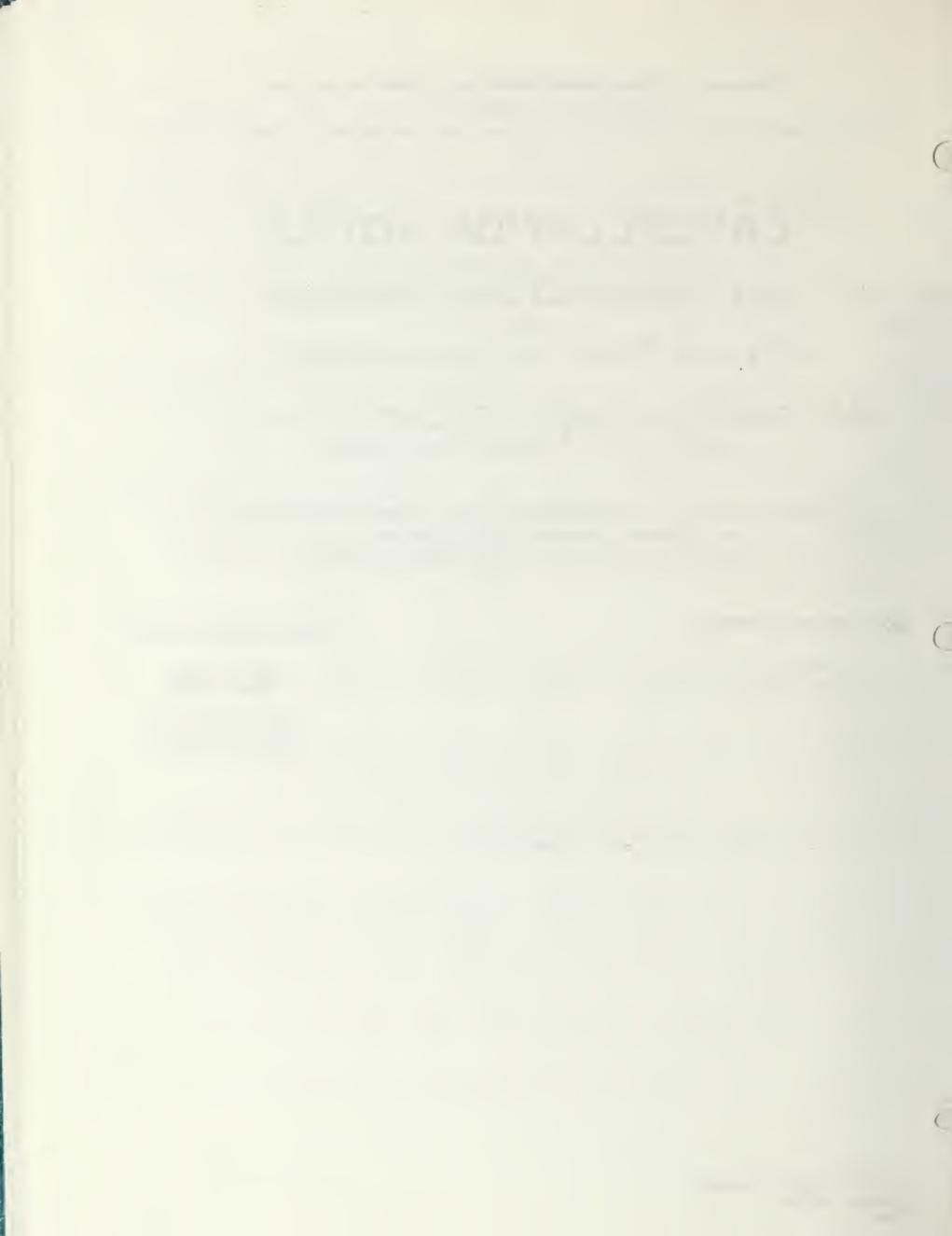
Please note that the special meeting of the Telecommunications Commission for  
Monday, December 18, 2000 has been canceled.

The next meeting of the Commission will be a regular meeting held on  
Monday, January 22, 2001, 5:30 pm  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400.

DOCUMENTS DEPT.

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SAN FRANCISCO  
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Please Note:

- General written materials submitted by the public to the Telecommunications Commission review, that are not associated with a specific deadline, should be sent to Telecommunications Commission, Department of Telecommunications and Information Services (DTIS), 875 Stevenson, 5<sup>th</sup> Floor, San Francisco, CA 94103 or emailed to [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
- Correspondence should be received no later than 5:00 p.m. ten (10) days (normally a Friday) prior to the scheduled Telecommunications Commission meeting in order to be listed on the Communications section of the upcoming agenda. All correspondence received after this date will be listed on future agendas.
- Communications to the Commission may be viewed upon request to the Commission Secretary, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 10-cent per page charge for photocopying communications documents at DTIS, payable at the time of service.
- Agenda packets items, as noted on the Communications page, are available for public review on the Commission's web site (see address above), the San Francisco Main Public Library, 5<sup>th</sup> Floor, Government Documents Section or by contacting the Commission Secretary, DTIS, 875 Stevenson, 5<sup>th</sup> Floor, 415/554-4443. Please note that there is a 10-cent per page charge for photocopying applicable Commission documents at DTIS, payable at the time of service.

**Commission Information:**

- The Telecommunications Commission meets at 5:30 pm, City Hall, Room 400, on the fourth Monday of every month, unless otherwise noted. This schedule is subject to change.
- For information related to Telecommunications Commission matters, please phone 415/554-4443 or email [Telecommunications\\_Commission@ci.sf.ca.us](mailto:Telecommunications_Commission@ci.sf.ca.us).
- The Telecommunications Commission web site address is [www.sfgov.org/telecommunications\\_Commission](http://www.sfgov.org/telecommunications_Commission).

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